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# NEW HAMPSHIRE PRIMARY AND ELECTION LAWS

Laws & Statutes

PUBLISHED BY
EDWIN C. BEAN
SECRETARY OF STATE
1922

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# NEW HAMPSHIRE PRIMARY AND ELECTION LAWS

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# Rights and Qualifications of Voters

Constitutional Bill of Rights, Article XI.: All elections ought to be free; and every inhabitant of the state, having the proper qualifications, has equal right to elect and be elected into office; but no person shall have the right to vote, or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language, and to write; *provided, however*, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, . . . and *provided, further*, that no person shall have the right to vote, or be eligible to office under the constitution of this state who shall have been convicted of treason, bribery, or any willful violation of the election laws of this state or of the United States; but the Supreme Court may, on notice to the Attorney-General restore the privileges of an elector to any person who may have forfeited them by conviction of such offenses.

P. S., Chap. 31, Section 1. Every male inhabitant of each town, being a native or naturalized citizen* of the

*"Male" provision superceded by woman suffrage amendment to U. S. constitution.

WHO ARE CITIZENS?

*Persons born outside of the United States, whose fathers were at the time of their birth citizens of the United States, are themselves citizens; but citizenship does not descend to children whose father never resided in the United States.

A woman, who marries a citizen and who might herself be lawfully naturalized shall be deemed a citizen; and it is immaterial that she never came to the United States until after the death of her husband. His becoming a citizen makes her a citizen if she is capable of being naturalized, that is if she is a free white woman. But if the husband's citizenship or naturalization is not complete before his death, he having declared his intention only, his widow and minor children were become citizens by taking the oath prescribed by law. And an alien becoming a citizen by marrying a citizen, becomes an alien again if upon his death she marry an alien, her status still following that of her husband.

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United States, of the age of twenty-one years and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at any meeting, to vote in the town in which he dwells and has his home.

SECT. 2. No person shall be considered a pauper within the meaning of the preceding section unless he has been assisted as such within ninety days prior to the meeting in which he claims the right to vote.

SECT. 3. No soldier or sailor who served in the late Rebellion and has been honorably discharged shall be deprived of his right to vote by reason of having received assistance from any town or county.

SECT. 4. No person shall be deprived of his right to vote by reason of having been excused from paying taxes in any town at his own request, if he shall, before he offers to vote, tender payment of all taxes assessed against him during the year prior to his offer to vote, to the moderator, to the collector of taxes, or to one of the selectmen, and, at the time he offers to vote, present evidence of such tender.

SECT. 5. No person shall be deprived of his right to vote by reason of having received assistance from any town or county, for himself or family, within ninety days, if he shall tender payment as aforesaid of all reasonable expenses which such town or county has incurred for such assistance within said time, but, upon making such tender, shall have his name placed upon the check-list, and his vote shall be received.

SECT. 6. Any money received under the provisions of the two preceding sections shall be paid to the town or county entitled thereto by the person receiving the same.

SECT. 7. No alien not naturalized shall be entitled to vote at any town meeting.

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If a father is naturalized, his minor children become citizens if they are dwelling within the United States at the time of his naturalization; and so of the minor children of a widow who is naturalized.

Superior courts are courts of naturalization in New Hampshire.

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RESIDENCE DEFINED.

SECT. 8. No person shall be considered as dwelling or having his home in any town, for the purpose of voting or being voted for at any meeting unless he shall have resided within such town six months next preceding the day of meeting: *provided, however*, that any legal voter moving from one ward to another ward in the same city, or from one city or town to another city or town, within six months next prior to any election, shall not be deprived of the right of voting at such election, in the ward, city, or town from which he removed, if prior to such removal he shall file a declaration in writing with the clerk of the city or town from which he is to remove, that he intends to vote at such election in the ward and city or town from which he removed.

SECT. 9. A residence acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom, with the intention of returning thereto as his home.

SECT. 10. Any person who shall exercise the privilege of voting at an election in any town within this or any other state shall be deemed by that act to have elected such town to be his legal residence for the purpose of voting, and shall thereafter be disqualified to vote in any other town until he shall have gained a new residence as hereinbefore provided.

## Supervisors and the Check-list

P. S., CHAP. 32, SECTION 1. A board of supervisors of the check-list, consisting of three legal voters in each town, shall be chosen at each biennial election; but no person shall be supervisor and selectman at the same time. No supervisor shall act as moderator, clerk or ballot inspector.

SECT. 2. They shall be sworn before entering upon the discharge of their duties.

SECT. 3. They shall hold office for two years and until others are chosen and qualified in their stead.

SECT. 4. Vacancies in the board may be filled by the remaining members; if not filled by them seasonably for the performance of the duties of the office, or if the whole board

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shall be vacant, the selectmen shall make the appointments. In all cases appointments shall be made in writing and be recorded, and the appointees shall hold office for the unexpired term.

## MAKING UP CHECK-LIST.

SECT. 5. The board shall make and post, at two or more of the most public places in town, a complete alphabetical list of all the legal voters in the town, fourteen days before the day of any election at which such list is to be used.

Supervisors of the check-list shall prepare and post check-lists for use at the annual town meetings in March, in the same manner as they were required to do when moderators were chosen at such annual town meetings; and all provisions of the Public Statutes applicable to the preparation and posting of check-lists for biennial elections shall apply to annual town meetings.

SECT. 6. They shall be in session for the correction of the check-list, at some suitable place in town, two days at least, before the day of the election, one of which shall be the day next preceding that of election and upon which all hearings shall be closed. If the town has more than six hundred legal voters, the last session shall be upon the Tuesday next preceding the day of election, and shall be adjourned from day to day until all claims have been heard and decided. Notice of the days, hour, and place of each session shall be given upon the posted check-lists.

## NAMES TO GO ON CHECK-LIST.

SECT. 7. The supervisors shall hear all applications for a correction of the check-list, and the evidence submitted thereon and shall correct it according to their best knowledge, so that it shall contain the names of those persons only who are legal voters in the town. They may administer oaths to persons who appear to testify before them. The qualifications of an applicant shall be determined by the supervisors, who shall examine him under oath touching thereto, and shall, unless he is interested by physical disability, or unless he had the right to vote on was sixty years of age or upwards, on the first

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day of January in the year nineteen hundred and four, require him to write and to read in such manner as to show that he is not being assisted in so doing and is not reciting from memory. Supervisors shall be provided by the secretary of state with a copy of the constitution of the state printed on uniform pasteboard slips, each containing five lines of the constitution, printed in double small pica type and suitable writing books in which to write. The supervisors shall place said slips in a box provided by the secretary of state, which shall be so constructed as to conceal them from view. Each applicant shall be required to draw one of said slips from the box and read aloud the five lines printed thereon and to write one line printed on said slip and sign his name thereto, in full view and hearing of the supervisors. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by a supervisor before another drawing is made. No person failing to read the constitution as printed on the slip thus drawn, and to write as aforesaid, shall be registered as a voter. The supervisors shall keep said slips in said box at all times. The secretary of state shall upon request provide new slips and writing books to replace those used up, worn out, or lost.

SEC. 8. If the supervisors at any session holden for the correction of the check-list, on receiving satisfactory evidence that any person whose name is on the list is not a legal voter, shall neglect or refuse to erase such name from the list, or shall neglect or refuse to insert on the list the name of any person who is a legal voter, having satisfactory evidence thereof, or shall neglect or refuse to hear or examine any evidence offered for such purpose in either of the cases aforesaid or shall at any time insert on the list the name of any person not a legal voter, knowing such to be the case, or shall knowingly erase therefrom or omit to insert the name of any legal voter, he shall be fined not more than fifty dollars for each offense.

SEC. 9. On the day of election, before opening the meeting, they shall subscribe and make oath to the following certificate on the back of the check-list, as corrected by them: We, the supervisors of the check-list of the town (or ward) of

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——, do solemnly swear, that, according to our best knowledge, the within list contains the names of those persons only who are, by actual residence, legal voters in said town (or ward). So help us, God.

There shall be a true copy of the corrected list, attested by them, with the town clerk. Any person who swears falsely in making such certificate shall be guilty of perjury.

SECT. 10. The check-list, as corrected by the supervisors, shall be open for the examination of every citizen at all times before the opening of the meeting.

SECT. 11. The check-list shall be used in the election of moderator and supervisors, except moderator *pro tempore*.

SECT. 12. All persons whose names are entered upon the check-list as thus corrected shall be deemed to be legal voters in the town, and no person whose name is not upon the list shall be allowed to vote unless his name was left off by mistake, and his right to vote was clearly known to the supervisors before the check-list was originally posted.

SECT. 13. The supervisors shall be present at the opening of each town-meeting at which a check-list is to be used, and have with them the corrected check-list for that meeting, and shall remain in attendance upon the meeting until its close.

PRESERVATION OF CHECK-LIST.

SECT. 14. The check-list used at any town meeting shall be preserved in the custody of the town clerk, for future reference. Supervisors of towns and corresponding officers of cities shall on or before January 1 succeeding each presidential election forward, send to the New Hampshire Historical Society and to the State Library each a copy of the check-list used in said presidential election duly and properly certified by such supervisors.

## Caucuses and Conventions

LAWS 1905, CHAP. 93, SECTION 1. All town and ward caucuses shall be called by a notice posted in five conspicuous places in the town or ward, one of which places shall be the postoffice, if there is one in said town or ward, and

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published in some newspaper, if there be any, published in the town or city, ten days or more before the day of the caucus.

SECT. 2. Said notice shall specify the place and the day and hour of meeting, and shall further state the time during which the polls shall be open for the reception of ballots, which at caucuses for the election of delegates to conventions shall be fixed by the executive committee of the party in the town or ward holding the caucus, but in no case shall the time during which the polls shall be open be less than one hour. At all other caucuses the time shall be, in towns and wards having not more than two thousand inhabitants according to the last preceding national census, not less than two hours, and in towns and wards having more than two thousand inhabitants according to such census, not less than three hours.

SECT. 3. All nominations and elections at any caucus shall be by ballot, and in balloting a check-list shall invariably be used; a plurality shall in every case be sufficient to nominate or elect.

PREPARATION OF CHECK-LIST.

SECT. 4. The check-list for use at any caucus shall be prepared by the local executive committee of the party holding said caucus. Notice of the times and places where the executive committee will attend for the purpose of receiving evidence and suggestions as to the make-up of the check-list, shall be given in the same manner as notice of the caucus is required to be given. No man shall be allowed to vote in the caucus unless his name is on the said check-list. No name shall be placed on the check-list after the hour for the opening of the caucus has arrived except the name of a person whose right to vote in the caucus is well known to the executive committee.

PARTY COMMITTEES IN CHARGE.

SECT. 5. The local executive committee of the party holding the caucus shall have full power to regulate the form, size

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and character of the ballots to be used, and also to regulate the manner of conducting the caucus, in any way consistent with the provisions of this act.

WHO MAY VOTE?

SECT. 6. No person shall vote in any caucus unless his name is on the check-list used by said caucus, or upon the name of any other person, and no person shall vote in the caucus of more than one political party, or having voted in the caucus of a political party sign the nomination papers of any other political party.

SECT. 7. No person shall vote in any caucus unless he intends to support the ticket of the party holding the caucus at the next ensuing election. When the right of any person to vote in a caucus is challenged he shall stand aside and subscribe to the following oath or affirmation before his vote shall be received:

I, ———, do solemnly swear (or affirm) that I am a legal voter in — — —, and that I intend to vote the ticket of the party holding this caucus at the next ensuing election.

Any person who shall violate any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days. Any person who shall swear falsely in regard to the provisions of this act shall be guilty of perjury and punished accordingly.

PRESERVATION OF CHECK-LIST.

SECT. 8. The presiding officer of every caucus shall, within forty-eight hours after the close of said caucus, file with the clerk of the city or town in which such caucus was held, the check-list used in said caucus, and the said clerk shall keep the same for the full period of two calendar months thereafter, in his office, open to the inspection of every citizen of such city or town, and shall not make nor permit to be made upon such check-list any mark whatever.

NOMINATIONS TO BE CERTIFIED.

SECT. 9. In filing nominations with the secretary of state the presiding officer of the caucus shall certify that the caucus

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was called and conducted according to the provisions of this act. If nominations are not accompanied by such certificate they shall not be placed upon the official ballot.

CAUCUS LAW IN FORCE, WHERE?

SEC. 10. This act shall be in force in all cities of twelve thousand inhabitants and towns of forty-five hundred inhabitants, and in such other cities and towns of the state as shall by majority vote of the voters at an annual or biennial meeting adopt the same.

## Direct Primary Law

LAWS 1909, CHAP. 155 (as amended). SECTION 1. The words and phrases of this act shall, unless the same be inconsistent with the context, be construed as follows:

(1) The word "primary," the primary election provided for by this act;

(2) The word "election," the general election held in November, as distinguished from the primary election;

(3) The word "party," any political organization which at the preceding election polled at least three per centum of the entire vote of the state given in for governor;

(4) The word "supervisors," all officers performing the duties of supervisors.

SEC. 2. This act shall not apply to special elections to fill vacancies, nor to city, town and school district elections except as to elections of moderator and supervisors of the check list, and ward clerks in cities, who shall be elected at each biennial election.

METHODS OF NOMINATION.

SEC. 3. Hereafter all candidates for elective offices shall be nominated:

(1) By a primary held in accordance with this act, or

(2) By nomination papers signed and filed as provided by existing statutes.

SEC. 4. (1) A primary shall be held at the usual polling places in each town and ward in the state on the first Tuesday of September, 1910, and biennially thereafter, for the nomin-

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tion of all candidates to be voted for at the November election, except presidential electors.

12. At each such primary there shall be elected in each town and ward from the legal voters in such town or ward, as many state delegates as such town or ward is entitled to elect representatives to the general court at the election next following such primary.

13. Primaries shall be conducted by the regular election officers, as elections are conducted under existing laws.

## NOTICE OF PRIMARY.

SECT. 5. (1) At least sixty days before the time of holding the primary the secretary of state shall prepare and transmit to each town and ward clerk in the state a notice in writing specifying the offices for which candidates are to be chosen, and delegates to the state convention are to be elected.

(2) Each town and ward clerk shall, within ten days after the receipt of such notice, cause notice of such primary to be posted in three public places in his town or ward; such notice shall give the time, place and place where the primary will be held in each town and ward, together with the offices for which candidates are to be nominated and delegates to be elected. It shall also state the date before which declarations of candidacy and primary petitions must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, the number of primary petitions required to be filed, and the fees required to be paid at the time of filing such papers.

## DECLARATION OF CANDIDACY.

SECT. 6. (1) The name of no candidate shall be printed upon an official ballot used at any primary unless not more than sixty days prior to such primary a declaration of candidacy shall have been filed by such candidate and the filing fee required by section 7 of this act shall have been paid, or the number of primary petitions required by section 11 of this act shall have been filed.

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Declarations of candidacy shall be in the following form: I, ——, declare that I reside in Ward ——, in the city (or town) of ——, county of ——, state of New Hampshire, and am a qualified voter therein; that I am a member of the —— party; that I am a candidate for nomination for the office of ——, (or for delegate to the state convention) to be made at the primary election to be held on the —— day of ——; and I hereby request that my name be printed on the official primary ballot of said —— party as a candidate for such nomination or election. I further declare that if nominated as a candidate for said office or if elected as such delegate I will not withdraw and that if elected I will qualify and assume the duties of said office.

(2) Declarations of candidacy shall be filed as follows:

(a) For governor, or any other officer to be voted for throughout the state, members of congress, councilors, state senators, and for county officers, with the secretary of state.

(b) For members of the house of representatives, moderator, supervisors of the check-list, ward clerk, selectmen of wards where such officers are elected at the biennial election, and delegates to state conventions, with the clerk of the city or town within which such officers are to be voted for.

(3) Each town or city clerk shall forward each declaration of candidacy filed with him, within two days from the date of filing, to the secretary of state. The fees paid to a town or city clerk shall be paid to the treasurer of each town or city.

CANDIDATES TO PAY FEES.

SECT. 7. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees:

(1) For governor, one hundred dollars;

(2) For any state officer, other than governor, to be voted for throughout the state, fifty dollars;

(3) For representative in congress, fifty dollars;

(4) For councilor, twenty-five dollars;

(5) For state senator, ten dollars;

(6) For county officers, five dollars;

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(7) For member of the house of representatives, two dollars;

(8) For register of probate, one dollar;

(9) For moderator, one dollar;

(10) For ward clerk, one dollar;

(11) For selectmen of wards where such selectmen are elected at the biennial election, one dollar each.

NOMINATION BY PETITION.

SECT. 3. (1) The name of any person shall be printed upon the primary ballot of any party without the filing of the declaration provided for in section 6, or in the payment of the fee provided for in section 7, as a candidate for nomination by such party for any office indicated in the requisite number of primary petitions as hereinafter provided, made by qualified voters of the party in the following form and filed with the secretary of state together with the written assent of such person to the printing of his name on said ballot as requested in said petition:

State of New Hampshire.

County of ..... ss.

To the Clerk of .....

The undersigned ask to have printed on the primary ballot of the party of ..... whose residence is in the city (town) of ..... (ward, street and number, if in a city) in the county of ..... for the office of ..... to be voted for on Tuesday, the ..... day of September. We severally say that I am qualified to vote for a candidate for said office; that I am a member of the ..... party, and am not, at this time, a voter of any other similar petition for any other candidate for the above office; that my residence is in the city (town) of ..... (ward, street and number, if in a city), in the county of ..... and that my occupation is ..... I further certify that I believe

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the above-named person is especially qualified to fill said office.

(Signed) .....

State of New Hampshire.

County of .....ss.

City (town) of ....., 19.....

The above-named .....

personally known to me, appeared and made oath that the above petition, by him subscribed, is true.

Before me .....

Justice of the Peace or Notary Public.

(2) The number of primary petitions to be filed for each office shall be as follows:

(a) For governor, two hundred.

(b) For representative in congress, one hundred.

(c) For councilor, fifty.

(d) For county officers, twenty.

(e) For state senator, fifteen.

(f) For member of the house of representatives, and all other town officers, five, except in towns where less than fifty voters are registered, when one-tenth of the number of registered voters shall be sufficient.

(g) For delegate to the state convention, no primary petitions shall be required.

(3) Each primary petition must be a separate paper, must contain the name of only one signer, and must contain the name of one candidate and no more.

(4) The oath of a voter upon such petition shall be conclusive evidence that he is a member of the party stated therein; but no voter shall sign conflicting party petitions, nor shall he sign more than one primary petition for the same office, unless more than one nomination is to be made; in which case he may sign as many primary petitions as there are nominations to be made for the same office.

(5) In case a voter has signed two or more conflicting primary petitions, all such conflicting petitions shall be rejected. The officer with whom primary petitions are filed shall imme-

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thereby, on their receipt proceed to examine the same, and ascertain whether they conform to the provisions of this law. If found not to conform thereto, or to be conflicting, he shall then and there in writing on said petition state the reason why such petition cannot be accepted, and shall within twenty-four hours return the same to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed, but not later than 21 days before the primary for those to be filed with the secretary of state, and all others 24 days.

CLERKS TO FORWARD DECLARATIONS.

(6) Each clerk of a city or town shall forward each declaration of candidacy filed with him to the secretary of state within two days of the filing of the same, provided the requisite fee shall have been deposited, or the requisite number of primary petitions shall have been filed therewith.

(7) Declarations of candidacy and primary petitions to be filed with the secretary of state shall be filed not less than 28 days before the date of the primary, and all others 27 days, except as provided in paragraph (5) of this section.

(8) The secretary of state, and clerks of cities and towns, shall retain the primary petitions filed with them until the first day of January following the holding of the primary, when they may be destroyed.

OFFICIAL PRIMARY BALLOT.

Sec. 9. At least ten days before any primary is to be held, an official ballot for each political party shall be prepared by the secretary of state, and shall be as nearly as is practicable in the same form as ballots now used at elections. Below the name of each office shall be printed in small but easily legible letters the words "vote for one," "vote for two," "vote for three," or a spelled number designating how many persons are to be voted for. Whenever there are two or more candidates for nomination to the same office who are to be voted for in more than one town or ward, the names of such candidates shall be so alternated on the ballots used that each shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate

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place, if any, of the list or group in which it belongs. Names of rival candidates for nomination to the same office who are to be voted for in only one town or ward shall be arranged in the alphabetical order of their surnames. Following the names printed on the ballot after the name of each office to be filled shall be as many blank lines as there are persons to be elected to that office. The ballots of all parties shall be upon colored paper, but the ballots of no two parties shall be upon paper of the same, or closely similar, color, and each party ballot shall be so designated by the name of such party printed in prominent type on the back of said ballot.

SECT. 10. (1) Not later than six days before a primary, the secretary of state shall furnish to the clerk of each town and ward ballots for each political party as follows: For each fifty and fraction of fifty voters of each party as shown by the vote for governor in the town or ward at the last preceding election, he shall furnish seventy-five ballots of said party, except that when any party has cast less than ten votes in a town or ward, he shall only be obliged to furnish twenty-five ballots.

(2) He shall in addition furnish each such clerk with ten sample ballots of each political party, printed on white paper.

(3) Each clerk shall within one day from the time when he shall receive such sample ballots post three of each political party in three public places in his town or ward, and shall retain the others until the date of the primary, when he shall post the same in prominent position in and about the polling place.

(4) The secretary of state shall also, upon request, furnish a reasonable number of sample ballots printed on white paper to each person whose name appears upon the ballot as a candidate.

CHECK-LIST AND PARTY ENROLLMENT.

SECT. 11. (1) The supervisors of the checklist shall prepare and post the check-list of the legal voters in their respective towns and wards and hold sessions for the correction of the same, and give notice of such sessions before all primaries

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ginal of all candidates to be voted for at the November elections, except presidential electors.

(2) At such primary there shall be elected in each town and ward from the legal voters in such town or ward, as many state delegates as such town or ward is entitled to elect representatives to the general court at the election next following such primary.

(3) Primaries shall be conducted by the regular election officers as elections are conducted under existing laws.

NOTICE OF PRIMARY.

SECT. 5. (1) At least sixty days before the time of holding any primary the secretary of state shall prepare and transmit to each town and ward clerk in the state a notice in writing designating the offices for which candidates are to be chosen, and delegates to the state convention are to be elected.

(2) Each town and ward clerk shall, within ten days after the receipt of such notice, cause notice of such primary to be posted in three public places in his town or ward; such notice shall state the time, and place where the primary will be held in each town and ward together with the offices for which candidates are to be nominated and delegates to be elected. It shall also state the day before which declarations of candidacy and primary petition must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, the number of primary petitions required to be filed and the fees required to be paid at the time of filing such papers.

DECLARATION OF CANDIDACY.

SECT. 6. (1) The name of no candidate shall be printed upon an official ballot used at any primary unless not more than sixty days prior to such primary a declaration of candidacy shall have been filed by such candidate and the filing fee required by section 7 of this act shall have been paid, or the number of primary petitions required by section 8 of this act shall have been filed.

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Declarations of candidacy shall be in the following form: I ———, declare that I reside in Ward ....., in the city (or town) of ———, county of ———, state of New Hampshire, and am a qualified voter therein; that I am a member of the ——— party; that I am a candidate for nomination for the office of ———, (or for delegate to the state convention) to be made at the primary election to be held on the ——— day of ———; and I hereby request that my name be printed on the official primary ballot of said ——— party as a candidate for such nomination or election. I further declare that if nominated as a candidate for said office or if elected as such delegate I will not withdraw and that if elected I will qualify and assume the duties of said office.

(2) Declarations of candidacy shall be filed as follows:

(a) For governor, or any other officer to be voted for throughout the state, members of congress, councilors, state senators, and for county officers, with the secretary of state.

(b) For members of the house of representatives, moderator, supervisors of the checklist, ward clerk, selectmen of wards where such officers are elected at the biennial election, and delegates to state conventions, with the clerk of the city or town within which such officers are to be voted for.

(3) Each town or city clerk shall forward each declaration of candidacy filed with him, within two days from the date of filing, to the secretary of state. The fees paid to a town or city clerk shall be paid to the treasurer of such town or city.

CANDIDATES TO PAY FEES.

SEC. 7. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees:

(1) For governor, one hundred dollars;

(2) For any state officer, other than governor, to be voted for throughout the state, fifty dollars;

(3) For representative in congress, fifty dollars;

(4) For councilor, twenty-five dollars;

(5) For state senator, ten dollars;

(6) For county officers, five dollars;

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(7) For member of the house of representatives, two dollars.

(8) For supervisor of the check list, one dollar.

(9) For moderator, one dollar.

(10) For ward clerk, one dollar.

(11) For selectmen of towns where such selectmen are elected at the biennial election, one dollar each.

NOMINATION BY PETITION.

SECT. 3. (I) The name of any person shall be printed upon the appropriate ballot of any party, without the filing of the declaration provided for in section 6, or in the payment of the fee provided for in section 7, as a candidate for nomination by such party for any office indicated in the requisite number of primary petitions as hereinafter provided, made by members of the party in the following form and filed with the secretary of state together with the written assent of such person to the printing of his name on said ballot as requested in said petition:

State of New Hampshire.

County of ..... ss.

To the Clerk of .....

I do hereby make application for the publication on the primary ballot of the name of .....

whose residence is in the city (town) of .....

(ward, street and number, if in a city) in the county of ..... for the office of ..... to be voted for on Tuesday, the ..... day of September, 19..... and I certify that I am qualified to vote for a candidate for said office; that I am a member of the ..... party, and am not, at the time a signer of any other similar petition for any other candidate for the above office; that my residence is in the city (town) of ..... (ward, street and number, if in a city) in the county of .....

..... and that my occupation is .....

..... I further certify that I believe

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YB 08335



the above-named person is especially qualified to fill said office.

(Signed) .....

State of New Hampshire.

County of .....ss.

City (town) of ....., 19.....

The above-named .....

personally known to me, appeared and made oath that the above petition, by him subscribed, is true.

Before me .....

Justice of the Peace or Notary Public.

(2) The number of primary petitions to be filed for each office shall be as follows:

(a) For governor, two hundred.

(b) For representative in congress, one hundred.

(c) For councilor, fifty.

(d) For county officers, twenty.

(e) For state senator, fifteen.

(f) For member of the house of representatives, and all other town officers, five, except in towns where less than fifty voters are registered, when one-tenth of the number of registered voters shall be sufficient.

(g) For delegate to the state convention, no primary petitions shall be required.

(3) Each primary petition must be a separate paper, must contain the name of only one signer, and must contain the name of one candidate and no more.

(4) The oath of a voter upon such petition shall be conclusive evidence that he is a member of the party stated therein, but no voter shall sign conflicting party petitions, nor shall he sign more than one primary petition for the same office, unless more than one nomination is to be made, in which case he may sign as many primary petitions as there are nominations to be made for the same office.

(5) In case a voter has signed two or more conflicting primary petitions, all such conflicting petitions shall be rejected. The officer with whom primary petitions are filed shall imme-

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(5) If a recount shall show that some other person than the one declared nominated upon the canvass of the returns from the clerks of towns and wards has the greatest number of votes cast at the primary, such person shall be declared nominated and shall be the candidate of the party for the office in question instead of the person so first declared, and his name shall be placed upon the official ballot at the following election.

(6) If the recount shall show that the person who applied for the recount was chosen as the candidate of his party, the secretary of state shall, within ten days of such recount, return to him the fee paid at the time of filing the application for a recount.

SEC. 16. Any town or city clerk, with whom any declaration of candidacy has been filed, who shall fail to forward the same to the secretary of state within two days of the date of such filing shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment not more than thirty days, or by both fine and imprisonment.

SEC. 17. The provisions of the statutes now in force in reference to the holding of elections, the payment of election officers, the filling of vacancies, the solicitations of voters at the polls, the challenging of voters, the manner of conducting elections, of counting and preserving the ballots, and making returns thereof, and all other kindred subjects, shall apply to all primaries as far as they are consistent with this act, the intent of this act being to place the primary under the regulations and protection of the laws now in force as to elections.

SEC. 18. (1) It shall be the duty of the secretary of state to prepare all forms necessary to carry out the intent of this act and to furnish the same in reasonable quantities to the proper officers. It shall also be his duty to furnish full directions to the clerks of towns and wards, when he sends them the notice provided for in section 5 of this act or when he furnishes them ballots, as provided in section 9 of this act, as to the posting of notices, holding of primaries, and making return thereof.

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(2) The secretary of state shall have authority to employ such additional clerical assistance as may be required during the canvass of votes, or in carrying out the provisions of this act; and all expense necessary shall be paid out of the treasury of the state.

SEC. 19. All sums paid to the secretary of state under the terms of section 6 of this act and all sums paid to him under the terms of paragraph 4 of section 14 shall be paid by him into the state treasury.

STATE PARTY CONVENTIONS.

SEC. 20. (1) Not earlier than the third Tuesday of September, following any primary, and not later than the first Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, councilors, state senators, representatives, and state delegates elected shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors, and effecting an organization for the following two years.

(2) The party nominees and state delegates in said state convention from each county shall elect a county committee for their party, to consist of such number of persons as the state convention shall by vote apportion to each county. The members of the several county committees thus chosen shall constitute the state committee of the party. The registered party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

(3) Upon application of the chairman of the state committee of any political party, the secretary of state shall deliver to him a duly certified roll of the nominees of his party for the several offices named in the first paragraph of this section. None but such nominees and state delegates shall take part in such state conventions.

HOW TO CONSTRUE PRIMARY LAW.

SEC. 21. This statute shall be liberally construed so that the real will of the voters shall not be defeated, and so that

5

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the voters of any town or ward shall not be deprived of their right to nominate or participate in the nomination of candidates for office by any informality or failure to comply with all the provisions of Law in respect to giving notice of or conducting the primary or certifying the results thereof.

## Caucuses and Elections

Laws 1897, Chap. 78, (as amended), Section 1. The provisions of this act shall apply to all elections held for the choice of electors of president and vice-president of the United States, representatives in congress and to the general court, governor, councillors, senators, county officers, and all ward and town officers chosen at biennial elections, and to any other election of national or state officers.

The word "caucus" as employed in this act shall mean a meeting of the legal voters of any political party assembled for the purpose of choosing delegates or for the nomination of candidates for office. The word "convention" shall mean an assembly of delegates chosen at caucuses in accordance with the usage of any political party.

POLITICAL PARTIES RECOGNIZED.

Sect. 2. Any caucus of legal voters representing a political party which at the biennial election next preceding polled at least three per centum of the entire vote of the state given in for governor, may choose delegates to conventions and may nominate candidates for representative to the general court and candidates for such town and ward officers as are chosen at biennial elections.

Sect. 3. The nomination of a candidate in an electoral district containing more than one town or more than one ward of a city may be made by a convention, except as otherwise provided for the nomination of a candidate for mayor or other city officer.

CERTIFICATES OF NOMINATION.

Sect. 4. Certificates of nominations made in accordance with the provisions of sections 2 and 3 of this act, shall contain

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YB 08335



the name and residence of each candidate, the office for which he is nominated, and the political principles or party he represents, and shall be signed by the chairman and clerk of the caucus or convention, and when practicable such certificates of nomination shall be signed by each candidate, but the absence of the signature of a candidate shall not invalidate a certificate of nomination. Any caucus or convention wherein nominations are made of candidates to be voted for by the voters of the entire state shall be held, at least, thirty-five days prior to the day of election; wherein nominations are made of candidates to be voted for by the voters of cities and wards, at least, twenty-one days prior to the day of election, and in all other cases, at least twenty-eight days prior to the day of election.

NOMINATION BY PETITIONS.

SECT. 5. The nomination of a candidate may also be made by petition. Such petitions shall be styled nomination papers. Such nomination papers shall contain all the facts required in certificates of nominations, and shall be signed by such persons only as are qualified to vote at the election of the candidates named in the petition, and no voter shall sign more than one nomination paper for each officer to be voted for, and no nomination paper shall contain the names of more candidates than there are offices to be filled. Such nomination papers shall be submitted to a majority of the supervisors of the check-list of the town or ward in which the signers reside, and they shall certify what number of the signatures are the names of legal voters in said town or ward.

It shall require the names of one thousand legal voters to nominate by petition a candidate for governor or other candidate to be elected by the voters of the entire state, five hundred to nominate a candidate for representative in congress, two hundred and fifty to nominate a candidate for councilor, senator, or county or city officer, and fifty to nominate a candidate elected by the voters of a town or ward of a city.

FILING NOMINATION PAPERS.

SECT. 6. Nomination papers shall be filed with the secretary of state as follows: Thirty days prior to the day of election in

for all candidates for any office

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case of candidates to be voted for by the voters of the entire state, and twenty-three days in case of all other nominations. The number of days herein given shall include Sundays, and shall end on the day before election at six o'clock in the afternoon. And where a nomination has been made as aforesaid or where a candidate has duly filed according to law for a primary election no withdrawal or declination of a candidate shall be accepted by the secretary of state subsequent to the last dates for filing as hereinbefore stated. *Provided, however,* that in case of the death of any candidate to be voted for at any primary or general election, between the date of nomination or filing and the day of election a new candidate may be substituted under the authority of the proper committee as the law provides, whose name shall be printed upon the ballots if they have not been printed, but if they have been printed, and time will permit, the secretary of state may cause adhesive slips or pasters with the name of the substitute candidate thereon, to be printed, or authorize the same to be done, and send or cause the same to be sent to the various town or city clerks representing the territory wherein the deceased candidate was to be voted for. Said town or city clerks shall deliver said slips or pasters to the election officers before the opening of the polls, who shall paste them in the proper place on the ballot before it is handed to the voter.

## CITY NOMINATIONS.

SEC. 7. Candidates for mayor of a city and other candidates voted for by the voters of the entire city, may be nominated by any party recognized by section 2 of this act, in a general city caucus, or by a convention of delegates from the several wards or by a caucus held by each ward. Candidates for officers elected by the several wards may be nominated by ward caucuses. *Provided, however,* that any party qualified to hold conventions may in caucus or convention or by its recognized political committee, make regulations concerning the manner of holding such caucuses and conventions.

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YB 08335



CITIES AND TOWNS MAY ADOPT LAW.

SECT. 8. Cities holding their elections on a day other than the day of the biennial state elections, in the choice of city or ward officers shall be governed by the provisions of this act, so far as they are not inconsistent with the provisions of their charters. Towns holding their elections on a day other than the day of the biennial state elections, in the election of town officers chosen by ballot, may adopt the provisions of this act, so far as they are applicable to town elections. In such cases the ballots shall be prepared by the city or town clerk, and printed at the expense of such city or town, and the time for filing certificates of nominations and nomination papers shall be at least six days prior to the day of election. Towns having voted to adopt such provisions may rescind the vote by which they were adopted.

SECT. 9. Certificates of nomination made in accordance with the provisions of sections 2, 3, and 4 of this act, and nomination papers made in accordance with the provisions of section 5 of this act, shall be regarded as valid and shall be received by the secretary of state, unless objection thereto is made in writing within three days succeeding six o'clock in the afternoon of the last day for the filing of such nominations.

BALLOT LAW COMMISSION.

On or before the first day of September preceding a biennial election, the governor, with the advice of the council, shall appoint two persons from the two different political parties casting the largest number of votes at the preceding biennial election, who, with the attorney-general, shall constitute a board of ballot-law commissioners. They shall meet at the office of the secretary of state on the Tuesday next succeeding the last day for filing nominations, and shall continue in session from day to day until all questions submitted have been heard and determined. They shall consider and decide all objections to the nomination of a candidate and all questions arising in case of nominations, and their decision shall be final. They shall receive such compensation for their services as shall be approved by the governor and council.

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## DESCRIPTION OF BALLOT.

SECT. 10. Ballots for use in biennial elections and in all other elections for national and state officers shall be prepared by the secretary of state, and printed and delivered at the expense of the state. Every ballot shall contain the name and residence of each candidate who has been nominated in accordance with law, and shall contain no other name except party appellation and names of candidates for president and vice-president of the United States. In case a nomination is made by nomination papers, the words Nom. Papers shall be added to the party appellation. The names of candidates nominated by any party or by petition shall be arranged upon the ballot in perpendicular columns. The candidates of each party shall be arranged in separate columns, and the candidates of the party receiving the largest number of votes at the last preceding general election shall be placed in the first column; *provided, however*, that in case only a part of a full list of candidates is nominated under a political designation, two or more such lists may be arranged whenever practicable in the same column. The order in which the officers to be voted for shall be placed in the party columns aforesaid shall be as follows: Electors of president and vice-president of the United States, governor, United States senator, representative in congress, councilor, state senator, representative in the general court, county officers, town or ward officers. Immediately above the name of each candidate shall be printed the political designation of the office for which he is nominated, as For Governor, For Senator, and the like, and at the right of the name of each candidate and on the same line there shall be a square, except that in the case of electors of president and vice-president of the United States one square shall suffice for each group of electors. In the last or right-hand column of each ballot there shall be no circle or device, but there shall be printed in the regular order the political designation of each office, as For Governor, For Senator, and the like, and beneath each designation there shall be left as many blank lines as there are persons to be elected to such office. Above each column or list of candidates shall be printed in large, plain letters the name of the political party by which the

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YB 08335



candidates in such column or list were nominated. Above the party designation shall be printed a circle not less than three-fourths of an inch in diameter, and such circle shall be surrounded by the following words printed in plain letters: For a straight ticket make a cross (X) within this circle. In case a voter desires to vote for a candidate whose name is not printed under the circle in which he has marked, he shall erase or cancel the name of the candidate in such column for whom he refuses to vote, and may vote for the candidate of his choice by marking a cross (X) in the square opposite the name of such candidate, or by writing in the name of the person for whom he desires to vote in the right-hand column prepared for the purpose. In such case the vote so marked in the square, or so inserted in the right-hand column, shall be counted, and such ballot shall not be counted for the candidate for the same office whose name is erased. Unless cancelled or erased, all names in the party columns under the circle marked by the voter shall be counted to the exclusion of all others.* One mark in the square opposite the names of candidates for electors of president and vice-president shall be counted as a vote for each, *provided, however*, that a voter may omit to mark in any circle and may vote for one or more candidates by marking a cross (X) in the square opposite the names, or he may insert the names of the candidates of his choice in the blank or right-hand column, and such votes shall be counted. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such question shall be printed upon the ballots after or beneath the list of candidates. The ballots shall be so printed as to give to each voter an opportunity to designate by a cross mark (X) in a square his answer to the question submitted. The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper, and there shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type, and the ballots for each town or ward shall be so folded that their width and length when folded shall be

*This method of counting declared unconstitutional.

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uniform. Upon the back of each ballot shall be printed the words Official ballot for, followed by the name of the town or ward for which the ballot is prepared, the date of the election, and a facsimile of the signature of the officer who prepares the ballots. Above each circle shall be placed an emblem or device designating or distinguishing the political party assigned to that column. The emblem or device shall be selected by the secretary of state or other officer preparing the ballots, for each political party represented upon the ballots, shall be different for each of such parties and may be the representation of a star or cross or rooster or eagle, or any other appropriate symbol; but neither the coat of arms of the seal of any state, or of the United States nor the national flag, nor any religious emblem or symbol nor the portrait of any person, nor the representation of a scene as of the entrance of the United States shall be known as a distinguishing emblem.

## SPECIMEN AND OFFICIAL BALLOTS.

Sec. 16. There shall be furnished each town and ward at any election conducted under the provisions of this act, not less than six ballots for each fifty and fraction of fifty voters thereof. The officer who prepares the ballots shall cause to be printed for each town and ward fifteen ballots, printed on blank paper and without the facsimile endorsement which shall be known as specimen ballots. These shall be forwarded as soon as printed to the clerk of the town or ward, who shall immediately post five copies in the most public places in the town or ward. On the morning of the day of election he shall cause five copies to be posted outside of the entrance to the room in which the election is held. The officer who prepares the ballots shall also prepare full instructions for the guidance of voters at such elections, as to obtaining ballots, the manner of marking them, the method of voting, spoiling and of obtaining new ballots in place of those accidentally spoiled, and shall cause the same to be printed in clear type on separate cards, to be called cards of instructions; and he shall furnish a suitable number of the same to each town and ward.

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Stockton, Calif.

YB 08335



SECT. 12. The secretary of state shall send in a sealed package the ballots printed by him to the several city and town clerks, so as to be received by them twelve hours, at least, prior to the day of election. The same shall be marked on the outside, clearly designating the town or ward for which they are intended and the number of ballots of each kind inclosed; and the city and town clerks shall, on delivery to them of such package, return receipts therefor to the secretary. The secretary shall keep a record of the time when and the manner in which the several packages were forwarded.

SECT. 13. The several city and town clerks shall deliver to the election officers, before the opening of the polls on the day of any election held under this chapter, the sealed packages of ballots in their possession. At the opening of the polls in each town or ward, the seal of the packages shall be publicly broken by the ward or town clerk and the ballots shall be delivered by him to the ballot clerks hereinafter provided for. The cards of instruction shall be immediately posted at or in each marking shelf or compartment provided in accordance with the provisions of this chapter for the marking of ballots, and not less than three such cards shall be immediately posted in or about the polling room, outside the guard-rails. If from any cause the official ballots have not been received at the polling place of any town or ward on the morning of election and before the opening of the polls, or in case the supply of ballots shall become exhausted during the process of balloting and before the polls are closed, it shall be the duty of the town or city clerk as the case may be, to cause unofficial ballots to be prepared substantially as far as may be in form of the official ballots, and upon receipt of such unofficial ballots from him accompanied by a statement under oath that the same have been so prepared, and that the official ballots have so failed to be received or that the supply of official ballots has become exhausted, the election officers shall cause the unofficial ballot so substituted to be used in lieu of the official ballots, in order that no voter shall be deprived of the right to vote for the lack of a ballot.

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## BALLOT INSPECTORS.

SECT. 11. The mayor and board of aldermen of each city, and the selectmen of each town, at some time between the first and tenth day of October preceding the biennial election, shall appoint as additional election officers, to act with the clerk, moderator, and the selectmen at each polling place, four inspectors. Such officers shall be qualified voters at the said polling place and shall be appointed from the two political parties which cast the largest number of votes for governor in the state at the biennial election next preceding their appointment, and two of the inspectors shall be of a different political faith from that of the clerk and the other inspectors. The aforesaid appointments shall be made from nominations of caucuses of the two parties above named, holden by the ward or town, provided such nominations were made on or before the first day of October. If any appointment shall not be made within the specified time, then, on the application of six qualified voters, a justice of the supreme court shall appoint. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for two years from the first day of November in the year in which he is appointed, and until a successor is appointed, and qualified.

In case of any vacancy, or the absence of any of these officers so appointed from any polling place at any election held under this chapter, the selectmen shall appoint some person qualified as aforesaid to fill said office, and the said appointment shall be made from nominations of aforesaid caucuses, or, in the absence of such nominations, then from similar nominations of the ward or town executive committee of the two parties above named, provided such nominations are made.

Two of the inspectors, one from each of the two political parties above named, shall be detailed by the moderator at the opening of the polls to act as ballot clerks. They shall have the charge of the ballots therein and shall furnish them to the voters in the manner herein set forth. A duplicate check-list of the qualified voters shall be prepared for the use of the ballot clerk, and all the provisions of law relative to the preparation, furnishing, and preservation of check-lists shall

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Stockton, Calif.

YB 08335



apply to such duplicate list. The other two inspectors shall be detailed by the moderator to assist the illiterate and physically disabled in the marking of their ballots, as provided in section 19 of this act.

DESCRIPTION OF BOOTHS.

SECT. 15. The selectmen in the different towns and wards shall provide suitable places in which to hold all elections provided for in this act, and to see that the same are warmed, lighted, and furnished with proper supplies and conveniences, including a sufficient number of booths, shelves, and soft black lead pencils, to enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots, screened from all observation as to the manner in which they do so. A guard rail shall be so constructed and placed that only such persons as are inside such rail can approach within six feet of the ballot box and of such voting booths. The arrangements shall be such that the voting booths can be reached only by passing within said guard rail. They shall be in plain view of the election officers, and both they and the ballot-boxes shall be in plain view of those outside the guard rail. Each of said booths shall have three sides inclosed, one side in front to open and shut by a door swinging outward, or to be inclosed with a curtain. Each side of said booths shall be not less than six feet high, and the door or curtain shall extend to within two feet of the floor, and said door or curtain shall be closed while the voter is preparing his ballot, and each of said booths shall be well lighted. Each booth shall be at least three feet square, and shall contain a shelf at least fifteen inches wide, at a convenient height for writing. No persons other than the election officers and the voters admitted as herein provided, shall be permitted within said rail, except by authority of the election officers, and then only for the purpose of keeping order and enforcing the law. The number of such voting booths shall not be less than one to every seventy-five voters, or fraction thereof, qualified to vote at such polling place, and there shall not in any case be less than two of these voting booths at any polling place. Cities and towns shall provide suitable ballot-boxes, which shall be used

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at all elections therein. At the opening of the polls, and before any election under this chapter, the ballot-box shall be publicly opened and shown to be empty, and the election officers shall ascertain that fact by a personal examination of the ballot-box.

## POLLS OPENING AND CLOSING.

In all elections by the voters in their wards the polls shall be opened at any time between the hours of six and nine o'clock in the forenoon of the day of election, as city councils in said city shall determine, and shall be kept open until three o'clock, and not later than six o'clock in the afternoon, as the meeting shall direct; and but one balloting shall be had during the day for each officer to be voted for; but this section shall not apply to special elections called to fill vacancies in any ward office.

At all biennial elections in towns the polls shall be opened not later than ten o'clock in the forenoon and shall not be closed earlier than three o'clock in the afternoon.

## MANNER OF VOTING.

SEC. 16. Any person desiring to vote shall, before being admitted within the guard-rail, give his name to one of the ballot-clerks, who shall thereupon likewise announce the same, and if such name is found upon the check-list by said ballot clerk he shall put a check mark against it and again repeat the said name. The voter, unless challenged, shall then be allowed to enter the space inclosed by the guard-rail, as above provided. If his vote is challenged, he must not enter until he makes the affidavit now required by law. After he enters the inclosed space the ballot clerk shall give him one ballot only. Besides the election officers, no more voters than the number of marking shelves or compartments provided shall be allowed in said inclosed space at one time; but this number shall not include any voter who is engaged in the act of depositing his ballot in the ballot-box, as herein provided. If any voter spoils a ballot, he may successively receive others, one at a time, not exceeding three in all, upon returning each spoiled one. The ballots thus returned shall be immediately

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YB 08335



marked "cancelled," by the ballot clerk, and, together with those not distributed to the voters, shall be preserved.

SECT. 17. On receipt of his ballot, the voter shall forthwith, and without leave the inclosed space, retire alone to one of the voting shelves or compartments, and shall prepare his ballot. Before leaving the voting shelf or compartment, the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall immediately give his name to the ward or town clerk, who shall likewise repeat the same and place a check mark against it on his check-list. The voter shall forthwith present his ballot with the official endorsement uppermost to the moderator, who shall then deposit the same in the ballot-box. He shall quit said enclosed space so soon as he has voted. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes, in case all of such shelves or compartments are in use, and other voters are waiting to occupy the same. No voter, not an election officer, whose name has been checked on the list by the ballot clerks, shall be allowed to reenter said enclosed space during said election unless another balloting is had. It shall be the duty of the moderator to secure the observance of the provisions of this section, and of other sections relative to the duties of election officers.

DISAGREEMENT ON COUNT.

SECT. 18. If a voter votes for more names for any one office than there are persons to be elected to such office, or if, for any reason, a disagreement occurs among those present at the counting of the ballots, as provided in this act, as to the voter's choice for any office to be filled, and a majority of those so present shall decide that it is impossible to determine the voter's choice for that office, his ballot shall be regarded as defective therein, and shall not be counted with reference to that office.

5

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## "DEFECTIVE" BALLOTS.

No ballot without the official indorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. All ballots not counted in whole or in part, on account of defects, shall be marked "defective" on the back thereof by the moderator, and shall be sealed with the other ballots cast and returned to the city or town clerks.

## COUNTING BALLOTS.

Immediately after the polls are closed the ballots shall be examined and the votes for the several candidates and on the questions submitted shall be counted by the moderator, in the presence of the town clerk, the selectmen, and the other election officers herein provided.

The counting shall be public, but within the guard-rail, and shall not be adjourned nor postponed until it shall have been completed, and the whole number of ballots cast for each person and on each question submitted to the voters shall have been publicly announced. While being counted no ballot shall be placed at more than four feet of the guard-rail which forms the enclosure in which the counting is done, during which time only the aforesaid officers shall be allowed within said enclosure.

The check-lists and all ballots cast shall be preserved, according to existing laws for the preservation of ballots.

## ASSISTANCE TO VOTER.

SEC. 19. Any voter who declares to the moderator, under oath, that he cannot read, or that because of his blindness or other physical disability he is unable to mark his ballot, shall, upon his choice and request, receive the assistance of one or both of the election officers detailed for that purpose by the moderator; and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same.

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YB 08335



DISTINGUISHING MARK ON BALLOT.

SEC. 20. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person, with the intention of letting it be known how he is about to vote, or place a distinguishing mark upon his ballot, or shall write any name as the candidate of his choice, with the intention of placing thereby a distinguishing mark upon his ballot, or who in voting shall use or attempt to use any ballot not given him by the ballot clerk, in manner hereinbefore provided, or who shall make a false oath as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when such voter is inside the inclosed space, or who shall endeavor to induce any voter, before voting, to show how he marks or has marked his ballot, or otherwise violate any provision of this act, shall be punished by fine of not more than five hundred dollars or be imprisoned not exceeding six months; and the election officers shall see that the offender is duly brought before the proper court for trial.

VIOLATIONS OF SECRET BALLOT.

SEC. 21. Any person who shall falsely make or file or willfully deface or destroy any certificate of nomination or nomination papers, or any part thereof, or sign any such certificate or paper contrary to the provisions of this act, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official endorsement on any ballot, or willfully destroy, deface, mark or alter any ballot, or shall furnish to any voter a ballot with the intent that such voter shall use the same in voting instead of the ballot given or to be given him by the ballot clerk, as herein provided, or shall take or remove any ballot outside of the inclosure provided for voting before the close of the polls, or willfully delay the delivery of any ballots, shall be punishd by a fine not exceeding five hundred dollars, or by imprisonment in the jail for not more than six months, or by both such fine and imprisonment.

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SECT. 22. Any public officer upon whom a duty is imposed by this act, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the objects of this act, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

SECT. 23. It shall be a misdemeanor for any person engaged in preparing or printing the official ballot to purloin, or give away, or allow to be removed any of such ballots. A voter shall not allow his ballot to be seen or examined by any person, except as prescribed in this act, nor shall any person interfere with any voter when such voter is within the inclosed space, or attempt in any manner to influence or change his vote. No person shall destroy any certificate of nomination or nomination paper, or sign any such certificate or nomination paper, or sign the name of any other person to such certificate or nomination paper, except as provided in this act. Whoever willfully violates any of the provisions of this section shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months. Any and all fines imposed by this section shall be paid to the county in which the person is prosecuted.

## Precinct Law

LAWS 1919, CHAPTER 80, SECTION 1. Any town may vote to establish voting districts and additional polling places therein [illegible] at the biennial elections.

SECT. 2. If any town shall so vote, the selectmen shall provide one or more additional polling places in such town, and shall at least thirty days before the next following general election determine the territorial limits of the voting district to be served by each such additional polling place. The polling place provided ever by the moderator of the town shall be known as the central polling place, and all other polling places in such town shall be known as additional polling places. A voting district and polling place so established shall continue to be such for successive general elections until the town shall vote to discontinue the same, but the selectmen may from

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YB 08335



time to time increase or diminish the territorial limits of each such district in order to more effectually accommodate the voters of such town. Election officers and town officers who are residents of additional polling districts but are on duty at the central polling place may keep their names on central polling place check-list by so arranging with supervisors of check-list.

SECT. 3. The selectmen shall equip each such additional polling place in the same manner as required by existing law to equip central polling places.

SECT. 4. Immediately after the establishment of an additional polling place and the creation of the voting district to be served by such additional polling place the supervisors of the check-list shall prepare a list of the voters entitled to vote at each such polling place, and shall revise the same from time to time as by existing laws, and shall at least fourteen days before any general election post at one or more public places within the voting district a true and attested copy of such list, and shall on the day of such general election before the opening of the polls at the central polling place lodge with the town clerk of said town duplicate copies of the list by them prepared and revised.

SECT. 5. The selectmen shall appoint a presiding officer and a clerk who shall each be residents of the voting district in which such additional polling place is located for each additional polling place, and the duties of such presiding officer and clerk shall be the same within the voting district at such election as are the duties of the moderator and clerk of the town at the central polling place except as herein otherwise provided. The selectmen shall also appoint for each additional polling place four inspectors of elections, who shall be residents of the voting districts in which the polling place is situated, and who shall be appointed in the same manner as such officers are appointed for the central polling places under existing laws, and the duties of such inspectors shall be the same as the duties of the inspectors at the central polling place except as herein otherwise provided. The officers so appointed shall be sworn before entering upon the duties of their appointment, and shall be subject to the same penalties for misconduct in office as are provided under existing laws.

5

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SECT. 6. As soon as the polls are opened at the central polling place on the day of the general election the town clerk shall seal up the duplicate copies of the check-list for each additional polling place lodged with him by the supervisor and with a number of blank ballots equal to the number of voters on such check-list and fifty additional ballots. This package shall be prepared and sealed in the presence of the moderator and selectmen and delivered to two designated election officers of the polling place to which it is to be conveyed, who shall be of different political parties, who shall carry the same to such polling place with all reasonable speed.

SECT. 7. The voting at each additional polling place shall be conducted as at the central polling place.

SECT. 8. Upon closing the polls at the additional polling place, the box in which ballots have been there deposited shall be sealed up by the presiding officer in the presence of the inspectors of election without opening the box, and the clerk at such polling place shall so certify. The presiding officer shall also seal up the duplicate check-lists used at such polling place together with the spoiled and unused ballots, and the ballot box containing the ballots voted as aforesaid, and send the same to the moderator of the town at the central polling place by two designated election officers who shall be of different political parties, who shall deliver the same with the seals unbroken, without unnecessary delay, at the central polling place. The ballot boxes from the additional polling places shall be opened by the moderator at the central polling place and the ballots there counted, and the result of the ballot of the entire town announced by the moderator as if all the ballots had been cast at the central polling place. The town clerk shall receive the duplicate check-lists and ballots as returned and dispose of the same as provided by existing law.

SECT. 9. The provisions of this act shall apply to all elections held in such cities as may by vote of the city council thereof accept the provisions of this act. The creation of voting districts in city wards, the establishment of additional polling places in wards therein, and the selection of the various election officers therefor shall be made by said city council.

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YB 08335



# Elections in Other Cases*

P. S., Chap. 34, Section 1. A suitable box or boxes shall be provided by the selectmen, at the expense of the town, in which to receive the ballots of the voters.

Sect. 2. The full Christian and surname of every person voted for, with the initial letter or letters of the middle name, and the usual abbreviations for junior, second, third, and the like, shall be written or printed upon every ballot. Blank pieces of paper shall not be counted as ballots.

MODE OF BALLOTING.

Sect. 3. Each voter shall deliver his ballot to the moderator in open meeting, and the moderator, on receiving the ballot, shall direct the town clerk to check the name of the voter on the check-list, and shall, without inspecting the name of any person voted for, examine the ballot so far only as to determine whether the same contains more than are to be voted for; if it does not, he shall place the ballot in the ballot box; but if it does he shall make it manifest to the meeting, and reject the same, unless the voter shall correct his ballot.

Sect. 5. If several officers are to be voted for upon one ticket, no person shall be allowed to vote for each of more than one description of officers to be voted for on the same ticket, any ticket which does not contain at least one vote for each description of officers shall be counted as a blank as to the description of officers omitted.

Sect. 6. The moderator shall, in the meeting in presence of the selectmen and town clerk, sort and count the votes, and make a public declaration of the whole number of tickets given in, with the name of every person voted for and the number of votes for each person, and the town clerk shall make a fair record thereof at large in the books of the town.

Sect. 7. The selectmen and town clerk shall assist in sorting and counting the votes, but no other person shall in any manner interfere therewith.

*Laws of 1897, Chap. 73, applies to national and state elections only.

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SECT. 8. No ballot shall be received and counted after the votes have been declared.

SECT. 9. In determining the result of any election, the whole number of persons voting for any officer shall be first ascertained by counting the whole number of separate tickets given out; and no person shall be declared elected to any office who shall not have received a majority of the whole number of tickets given in for such office, except in cases in which it is otherwise specially provided.

SECT. 10. If a number of candidates greater than the requisite number shall severally receive a majority, a number equal to the requisite number, having the greatest excess over such majority, shall be declared elected. But if the number to be elected cannot be completed by reason of any two or more candidates having received an equal majority, and making one or more greater than the requisite number, the candidates receiving such equal majority shall be declared not to be elected.

SECT. 11. The town clerk shall have with him, in the meeting during its continuance, all the laws in force relating to the subject of elections.

SECT. 12. The foregoing eleven sections shall be applicable so far as they do not conflict with the provisions of the preceding chapter. [Laws of 1897, Chap. 78.]

## PRESERVATION OF BALLOTS.

SECT. 13. After the ballots given in for governor, councilors, senators, electors of president and vice-president, representatives in congress, county officers, and those given in for representatives to the general court, at the ballotings upon which any were declared elected, have been counted and a declaration thereof made, the moderator, in the presence of the selectmen, shall place the ballots in a suitable envelope or other package, and seal the package in a manner best calculated to prevent them from being removed or tampered with. The moderator and selectmen shall endorse and subscribe upon the outside of the package a certificate as follows: Inclosed are all the ballots given in at the election in the town of ——— (or, Ward ——— in the city of ———), on the ——— day

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Stockton, Calif.

YB 08335



of ———, 19—, required by law to be preserved. Sealed up by the moderator in the presence of the selectmen. Signatures of moderator and selectmen.

The moderator shall deliver the same to the town clerk in the presence of the selectmen before the adjournment of the meeting; and the town clerk, in their presence, shall make thereon and subscribe a minute of the day and hour when received. These provisions shall not apply to the wards of cities whose charters provide a different method for the preservation of ballots.

## DISPOSITION OF BALLOTS.

Laws 1903, Chap. 30, Section 1. Ward and town officers whose duties it is to receive and count ballots cast at biennial elections for United States, state and county officers and for supervisors of the check list and moderator, shall immediately after the ballots are counted and sealed, deliver them thus sealed, to the city clerk or town clerk or a representative designated by such clerk, who shall without breaking the seal or otherwise changing the condition of the package deposit the same in the office of such city or town clerk, who shall keep said ballots for a period of sixty days. If any person for whom a ballot was cast and recorded at any biennial election shall so request in writing within said sixty days the clerk having the custody of the ballots shall forthwith forward them to the secretary of state, who shall receive and preserve them until the next succeeding biennial election. All ballots remaining in possession of the town or city clerk shall be destroyed at the expiration of sixty days after an election.

## INSPECTION OF BALLOTS.

Laws 1907, Chap. 32, Section 2. If any person for whom a vote was cast and recorded for any office at a biennial election before the expiration of ninety days shall apply in writing to the secretary of state for an inspection of the ballots cast or for all persons for such office and state in his application the names of the opposing candidates, the secretary of state shall appoint a time for the inspection not earlier than fifteen days after the receipt of the application. Such inspection shall take

51

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place in the state house, and the secretary shall order the sheriff to give notice thereof by giving to each of the respective candidates, or leaving at his place of abode, a copy of the application and order of notice seven days at least prior to the day so appointed for inspection of the ballots. No other notice shall be required.

SEC. 3. At the time and place so appointed and notified, the secretary of state shall produce the ballots, and they shall be open to the inspection of the candidates and their counsel under such suitable rules as the secretary of state shall prescribe.

SEC. 4. The candidate petitioning for an inspection of the ballots shall pay the secretary of state the same fee prescribed in section 13 of Chapter 155 of the laws of 1909, as amended 1911, to accompany ballots for primary.

SEC. 5. Upon the conclusion of every inspection and recount examination of ballots, the secretary shall place them, and all envelopes or wrappers which had previously contained them, in a new envelope or wrapper, and seal it, and indorse upon it a certificate showing the contents and the date when and the reason why it was opened and examined, and shall retain it until the time fixed by law for its destruction arrives.

SEC. 6. Whoever shall willfully violate any of the provisions of the last section next preceding shall be fined not exceed five hundred dollars.

## Presidential Primary Law

CHAP. 281. LAWS, 1913, as amended. SECTION 1. On the second Tuesday in March in the year 1916, and each year thereafter when a president of the United States is to be elected, a primary shall be held for the election of delegates to the national conventions at large, delegates and alternate delegates to the national conventions of the various political parties to be held to nominate party candidates for president and vice-president of the United States.

SEC. 2. Said primary election in towns shall be held in connection with the regular March meetings; said primary

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Stockton, Calif.

YB 08



election in cities shall be held at the regular polling places in the various wards; and in all cases the said primary election shall be conducted by the regular election officers.

SEC. 3. (1) In all towns the polls shall be held open not less than four hours, and so much longer as shall be necessary to afford every voter present and desiring to vote an opportunity to vote, and until the voters present shall vote to close the polls. (2) In cities, the polls shall be held open from 3 o'clock P. M. till 8 o'clock P. M.

SEC. 4. The secretary of state shall prepare and distribute for use at such primary an official ballot for each political party.

## DECLARATIONS OF CANDIDATES.

SEC. 5. The name of no candidate shall be printed upon any such ballot unless not more than sixty nor less than eighteen days before the primary he shall have filed with the secretary of state a declaration of candidacy, and unless he or some person for him, shall have paid to the secretary of state a filing fee of ten dollars ($10), or file with the secretary of state a petition containing one hundred (100) names of legal voters requesting that his name be placed on the primary ballot, *provided, however*, that vacancies on the primary ballot of any party may be filled as provided in section 6 of this act. Declarations of candidacy shall be in form as follows: I.....declare that I reside in ward .....in the city (or town) of ..... county of ..... and state of New Hampshire, and am a qualified voter therein; that I am a member of the .....party; that I am a candidate for election as delegate (or as alternate delegate or delegate at large or alternate delegate at large) to the national convention of the .....party next to be held for the nomination of candidates of said party for president and vice-president of the United States. I request that my name be printed as such candidate on the official ballot of the .....party to be used at the primary to be held on the second Tuesday of March next (changed from third Tuesday of May). I further declare that

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if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large) I will attend such convention unless I shall be prevented by sickness or other occurrence over which I have no control. If the person desires to do so he may add to such declaration the following statement: I pledge myself if elected as such delegate (or alternate delegate or delegate at large or alternate delegate at large) to vote in said convention whenever I shall vote, for the nomination of (inserting the name of any person) as the candidate of said party for president so long as he shall be a candidate before said convention, and I request that after my name upon the ballot shall be printed the words pledged to vote for the nomination of (inserting the same person) for president. And in that event, said words shall be printed upon the primary ballots following his name as requested.

VACANCY ON BALLOT.

SEC. 9. If there is to be a vacancy upon the primary ballot of any party by reason of the failure of as many persons to file candidacies for delegates and for alternate delegate and committeeman at large and alternate delegate at large as are to be elected, such vacancies may be filled, after the expiration of the time allowed in this act for filing and fifteen days before the primary, by the state committee of that party without the payment of any fee, and the secretary of state upon receipt of proper notice shall cause the names selected by the state committee to be printed upon the primary ballot to fill such vacancies.

SEC. 10. (1) After completing the canvass of returns from the primaries the secretary of state shall send by mail notice to each person whose name was printed upon the ballot of any party as the nominee of the delegates at large, alternate delegates at large, delegates and alternate delegates, chosen by that party, and shall not be required to certify the result of said primaries. (2) If any person whose name was printed as a candidate upon the ballot of any party at the election according to the canvass first made by the secretary of state, he may obtain a recount by applying in writing therefor to the secretary of state within ten days after

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Stockton, Calif.

YB 08



he shall have been notified of the result at the primary and by paying fees as follows: (a) If he has been voted for throughout the state, one hundred dollars. (b) If he has been voted for in a district less in area than the entire state, fifty dollars.

SECT. 8. The provisions of the direct primary law with regard to the preparation and distribution of ballots, the sending and posting of notices, the preparation and posting of check-lists, the conduct of primaries, the registration and the preservation of the registration of the party membership of voters, the counting of votes, the making of returns thereof, the canvass of the same, and all other kindred matters, shall apply to all primaries held under the provisions of this act unless clearly inconsistent, the intent of this act being to provide the same method for the election of all delegates and delegates at large and alternate delegates and delegates at large to national conventions, as is provided by that act for the nomination of officers and the election of delegates to state conventions.

## Election of Electors of President and Vice-President

P. S., CHAP. 37. SECTION 1. Meetings for the choice of electors of president and vice-president shall be holden on the Tuesday next following the first Monday in November in every fourth year, dating from the year eighteen hundred and eighty.

SECT. 2. The returns of votes for electors shall be made out, signed, certified, sealed, and directed in the manner provided for the returns of votes for senators; and the town clerk shall transmit the same to the office of the secretary of state within five days from the date of such election.

SECT. 3. The secretary by whom such returns of votes shall be received shall forward by mail to the town clerks receipts therefor.

SECT. 4. The secretary shall, on the day following the last Wednesday but one of November, lay the returns of votes for

5

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electors of president and vice-president before the governor and council, to be by them examined and counted. The requisite number of persons who shall have the largest number of votes counted shall be declared duly chosen electors.

SECT. 6. The governor shall cause the several persons who may be chosen electors to be notified forthwith of their election and request their attendance at the state house in Concord on the day fixed by the congress of the United States (second Monday in January) as the day on which electors shall give their votes for president and vice-president.

SECT. 7. The electors chosen shall meet at the state house in Concord on the day so fixed, and, by twelve o'clock at noon, give notice to the governor and council of the number of electors present who accept the office.

SECT. 8. If the requisite number of electors are not present or do not accept, or if the requisite number of electors shall not then attend, by reason of two or more persons having an equal number of votes, the electors present who do accept, in presence of the governor and council, shall forthwith choose by ballot the number wanted to complete the board.

SECT. 9. The electors shall give their votes for president and vice-president on the United States, at Concord, on said day, and shall proceed therein according to law.

SECT. 10. They shall each receive three dollars a day during their session and ten cents a mile for their travel to and from their place of meeting; and shall be allowed a reasonable sum, not to exceed twenty-five dollars, to pay for the services of a secretary.

## Election of Governor, Councilors and Senators

PART II. CHAP. 35. SECTION 1. The meetings in the several towns for the election of governor, councilors, and senators, shall be holden on the Tuesday next following the first Monday in November biennially, and at no other times, during [illegible] hundred and seventy-eight.

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YB 08



LAWS 1897, CHAP. 24, SECTION 1. The town and ward clerks of the several towns and wards in this state shall make a true and certified copy of the record of the votes given in at any election of electors of president and vice-president of the United States, representative in congress, governor, councilor, senator, and representative to the general court, and shall forward the same, in sealed packages to the secretary of state within five days from the date of such election.

SECT. 3. The secretary, upon the receipt of any such copy, shall forward by mail to the town clerk a receipt therefor.

SECT. 4. Whenever any return of votes shall not have been received at the office of the secretary within the time prescribed by law, it shall be his duty immediately to notify the clerk of the town from which such return has not been received. Thereupon it shall be the duty of the delinquent town clerk forthwith to forward such return.

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## Election of United States Senator

LAWS 1913, CHAP. 97, SECTION 1. Meetings for the choice of United States senators shall be holden in the several towns, wards and places in this state on the Tuesday following the first Monday in November of every sixth year, dating from the year nineteen hundred and eight, and on the Tuesday after the first Monday in November of every sixth year, dating from the year nineteen hundred and twelve.

SECT. 2. All the provisions of existing law, relating to the nomination of candidates for governor by direct primary and by nomination papers, and the filing of accounts of campaign expenditures, are hereby extended to, and shall apply to, the nomination of candidates for United States senator.

SECT. 3. All the provisions of existing law, relating to the election of representatives in the congress of the United States, are hereby extended to the election of United States senators, except when inconsistent with the laws of the United States.

SECT. 4. The names of candidates for United States senator of the several political parties shall immediately follow on the ballot the names of candidates of the several parties for nomination and election as governor at primaries and elections.

5

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# Election of Representatives in Congress

P. S., Chap. 36, Section 1. The state is divided into two districts for the purpose of choosing representatives in the congress of the United States, and each district is entitled to elect one representative.

Sect. 3. Meetings for the choice of representatives in congress shall be holden in each district on the Tuesday next following the first Monday in November, biennially dating from the year eighteen hundred and seventy-eight.

Sect. 4. The meetings in the several towns in each district shall be warned and governed, and the returns of votes for representative shall be made out, signed, certified, sealed, directed, transmitted, receipted for, examined, and counted, at the same time and in the same manner as provided for the return of votes for senators.

Sect. 5. Upon such examination and count, the person having the largest number of votes returned in any district shall be declared duly elected; and the governor shall forthwith transmit to the person so elected a certificate of such election, under the seal of the state, signed by himself and countersigned by the secretary.

Sect. 6. If two or more persons, at any election of representatives to congress, shall, in any district, receive the largest and an equal number of votes, so that no choice is made, the governor, with advice of the council, shall cause precepts to be issued to the selectmen of the several towns within such district for another election, requiring them to warn meetings to be holden at the time specified in such precepts for the choice of a representative.

Sect. 7. The votes given at any such meeting shall be received, sorted, counted, declared, recorded, and certified, and the returns thereof made out, signed, certified, sealed, and directed, in the manner hereinbefore prescribed; and the clerk shall transmit the same to the office of the secretary of state within five days after such meeting.

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YB 08335



SECT. 8. The secretary, as soon as may be, shall lay all such returns before the governor and council, and the votes shall be examined and counted, and the election of the person having the largest number of votes declared and certified, and the certificate thereof made out and transmitted in the manner hereinbefore directed.

SECT. 9. If upon such second balloting two or more persons shall have the largest and an equal number of votes in any district, so that no choice is made therein, the governor, with advice of the council, shall forthwith cause new precepts to be issued as aforesaid, directing another meeting to be warned and holden to fill such vacancy; and the same proceedings shall be again had as are hereinbefore provided; and so from time to time, so long as may be necessary, until some one shall have the largest number of votes.

SECT. 10. If any vacancy in the representation in congress shall occur by death, resignation, or otherwise, the governor, with the advice of the council, shall forthwith cause precepts to be issued to the selectmen of the towns within the district where the vacancy exists, for an election to fill such vacancy; and similar proceedings in all respects shall be had therein as are provided in the preceding sections of this chapter; and the ballotings in such districts shall be continued until some person shall have the largest numbers of votes given in and returned.

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## Election of County Officers

P. S., CHAP. 25, SECTION 1. There shall be chosen at each biennial election, by ballot, by the inhabitants of the several towns in each county qualified to vote for senators, a sheriff, a county solicitor, a county treasurer, a register of deeds, a register of probate, and three county commissioners, each of whom shall take his office on the first day of the April next (Jan. 1, in some cases) succeeding his election and shall hold the same for two years and until his successor is chosen and qualified.

SECT. 2. No person is eligible to the office of sheriff, county solicitor, county treasurer, register of deeds, register of probate, county commissioner, or clerk of court, unless he is a resident of the county for which he is chosen. No person shall hold two of said offices at the same time, and the acceptance of one of them shall be a resignation of the others.

SECT. 3. The town and ward clerks of the several towns and wards of this state shall make a true and certified copy of the record of the votes given in at any election of county officers, and shall forward the same in sealed packages to the clerk of the supreme court of the county within five days from the date of such election.

SECT. 5. The several clerks of court shall have the returns present at the law term of the supreme court holden on the first Tuesday of December next following. The court shall examine, record, and count the same; and the person who has received the highest number of votes for each office shall be declared elected.

SECT. 6. If the candidates for either of such offices having the highest number of votes shall have an equal number, the court shall appoint one of the candidates to fill the office, who shall be declared duly elected.

The supreme court at any trial term, or any justice thereof in vacation, may, on the application or petition of any candidate interested in a contest for any county office, find the facts relating to such contested election as well before the term of such office begins as after; and any question of law arising upon the facts thus found may be heard at any regular, adjourned, or special law term of the court, as the court shall direct; and the court shall issue a certificate of election to the candidate who is found by the court on such proceedings to be elected, and the person receiving such certificate shall assume and discharge the duties of the office.

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# Election of Representatives to the General Court

P. S., Chap. 38, Section 1. Towns entitled to elect representatives to the general court may elect them at the biennial election holden on the Tuesday next following the first Monday of November, biennially, dating from the year eighteen hundred and seventy-eight, and if the election of the requisite number shall not be effected on that day, the meeting may be adjourned to, and the election of the number deficient be made on, the following day, but not afterwards.

Sect. 2. Certificates of election shall be made in duplicate, certified and signed in the same manner as the returns of votes for governor; one of them shall be delivered to the representative elect, and the other shall be forwarded to the secretary of state within five days after the day on which the election is held, and the town clerk shall also certify that the check-list was duly posted and used during the balloting on which such representative was chosen, and to the number of voters whose names were upon the check-list as corrected on the day of such meeting. Any town clerk who fails to make a return of the number of voters on such check-list shall be fined not exceeding twenty-five dollars.

Sect. 6. Whenever a vacancy shall exist in the representation of any town in the general court by reason of the death, resignation, or removal from town of the person who shall have been elected as such representative, the selectmen shall, without unnecessary delay, call a meeting of all persons in such town qualified to vote in the election of senators, at which a representative shall be elected as provided in article fifteen of the constitution.

Sect. 7. In case any town or any ward of a city in this state shall elect and send to the general court a representative when not authorized by law to do so, such town, or the city in which such ward is situated, shall forfeit and pay a fine of one thousand dollars, to be recovered by indictment for the use of the county in which such town or city is situated. The amount of any fine and costs paid by any city under the pro-

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visions of this section shall be assessed upon the property and inhabitants of the ward so electing and sending such representative.

## Members of Legislature

P. S., Chap. 4, Section 1. No person shall be eligible for election to any office of the legislature who has not been an inhabitant of the state for one year, at least, prior to such election.

Sect. 2. If any officer of the legislature removes from the state, the office shall thereupon become vacant.

Sect. 10. If a person shall attend a session of the legislature and vote therein as a representative from any town or city, knowing that, by reason of want of the requisite number of inhabitants in said town or in the ward of the city which he represents, he is not lawfully entitled to a seat in the house of representatives, or that he was not legally elected a representative of such town or ward, he shall be fined not exceeding $2,000, or be imprisoned not exceeding two years.

## Purity of Elections

NEGLECT TO RETURN VOTES.

P. S., Chap. 39, Section 1. If any town clerk shall neglect to make any return of votes for governor, councilor, senator, representative in congress, electors of president and vice president, register of deeds, county treasurer, county commissioner, supervisors, or moderator, or other state, town, or county officer, he shall be fined not exceeding five hundred dollars.

Sect. 2. The secretary of state or clerk of court, as the case may be, shall, within thirty days after any default in the return of votes, certify the same to the solicitor of the county, which certificate shall be *prima facie* evidence of such default; and the solicitor shall prosecute every person guilty of such default.

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SECT. 3. If the clerk of any town shall make an incorrect or insufficient record or return of the votes given therein at any meeting for any officer, the officers by whom the votes are opened and counted may require such clerk, at his own expense, to come in and amend his record or return, according to the facts of the case.

SECT. 4. If any clerk shall neglect or refuse to appear and amend, he shall be fined not exceeding five hundred dollars.

FALSE RECORD OF VOTES.

SECT. 5. If the clerk of any town or place shall willfully and corruptly make a false record of any vote or other proceeding of any legal town meeting, or any false copy of any record, or any false certificate or return of votes, he shall be imprisoned not exceeding five years.

SECT. 6. If any person shall be guilty of an offense against any provision of the laws relating to elections for which no penalty is specified, he shall be fined not exceeding thirty dollars.

ASSAULT UPON OFFICERS.

SECT. 7. If any person shall willfully assault a town, city, or ward officer in the discharge of any duty of his office at any election, or take away, injure, or destroy the ballot box or check-list when in use at any election, he shall be fined not exceeding three hundred dollars, or be imprisoned not exceeding three years.

ILLEGAL VOTING.

SECT. 8. If any person, at a meeting for the choice of officers, shall give in more than one vote for any officer voted for at such meeting; or if any person under the age of twenty-one years, or an alien not naturalized, or any person who is not a legal voter, shall give in a vote for any officer at such meeting; or if any person, being under examination as to his qualifications as a voter before the board of supervisors, shall give any false name or answer,—he shall be fined not exceeding thirty dollars for each offense, or be imprisoned not exceeding three months.

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## FRAUD BY OFFICERS.

SECT. 9. If any moderator, supervisor, or selectman, at any meeting, shall fradulently receive and count any illegal vote, omit to receive and count any legal vote, or shallf fraudulently embezzle any vote from the number of legal votes cast, or add any vote thereto, or shall receive or count any vote given at such meeting by proxy, and without the personal delivery of such vote by the person entitled to give the same, or shall frauduently declare the state of the vote in the election of any officer, he shall, for each offense, be fined not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both.

## IMPROPER INFLUENCE.

SECT. 10. If any person shall directly or indirectly give spirituous liquor to a voter, at any time, with a view to influence any election, or as a treat for his vote, or for the honors bestowed on any candidate at such election, he shall be fined not exceeding twenty dollars for each offense.

SECT. 11. If any person shall directly or indirectly hire, procure, induce, or in any way influence or attempt to hire, procure, induce, or in any way influence, by payments, promises, offers of emolument, offers of reward of any kind, loans of money or other thing, threats or intimidations, any voter to stay away from any town meeting, or to avoid voting at any town meeting, or to vote at any town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at any election, the abatement of his taxes, or to be excused from paying taxes, such person shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months.

SECT. 12. If any person shall directly or indirectly contribute or furnish, or promise to contribute or furnish, any money, goods, chattels, or other thing whatsoever to be used to induce any voter to stay away from any town meeting, or to avoid voting at any town meeting, or to vote at any town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at any election, the abatement of his taxes, or to be excused from

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YB 083



paying taxes, such person shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months.

SECT. 13. One half of the fines imposed for the violation of the provisions of the two preceding sections shall go to the prosecutor, and the other half to the county.

SECT. 14. Any person who shall, without authority, sign the name of any other person to any letter or other document, or falsely represent that any other person has written such letter or document, knowing such representation to be false, for the purpose of influencing votes, shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year.

SECT. 15. Any person publishing any such forged letter or document, knowing the same to be forged, with like intent, shall be fined not exceeding one thousand dollars.

## CHALLENGE OF VOTER.

SECT. 16. Any voter, at any town meeting, may challenge any other voter offering to vote at such meeting, and the moderator shall not receive the vote of the person so challenged until he shall subscribe, make and tender to the town clerk or moderator an affidavit in form and substance as follows: I, ———, solemnly swear that I have not directly or indirectly, hired, procured, induced, or in any way influenced, or attempted to hire, procure, induce, or in any way influence by payment, promises, offers of employment, offers of reward of any kind, loans of money or other thing, threats or intimidation, any voter to stay away from this town meeting, or to avoid voting at this town meeting, or to vote at this town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at this town meeting, abatement of his taxes, or to be excused from paying his taxes; nor have I, directly or indirectly, contributed or furnished, or promised to contribute or furnish any money, goods, or chattels, or any thing whatsoever, to be used to induce any voter to stay away from this town meeting, or to avoid voting at this town meeting, or to vote at this town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at this town

5

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meeting, the abatement of his taxes, or to be excused from having taxes set; have I, either directly or indirectly, been hired or procured to in any way influenced, by payment promises, offers of emolument, offers of reward of any kind, bribes or money or other things, threats, or intimidation, to vote at this town meeting for or against any particular ticket or candidate for office that the vote I now offer to cast, and the vote I propose to offer to cast, at this town meeting, are in accordance with my solemn convictions of duty to my country, uninfluenced by any promised, promises, offers of emolument, offers of reward of any kind, bribe of money or other thing, threats, or intimidation whatsoever. *So help me God.*

SECT. 17. In case any voter so challenged shall not make and subscribe such affidavit, he shall be denied the right of voting at such town meeting, and any moderator who shall receive the vote of a voter so challenged and not making and subscribing such affidavit, shall be fined not exceeding one hundred dollars.

SECT. 18. The affidavit may be sworn to before any person authorized by law to administer oaths, or before the moderator, town clerk, or any one of the selectmen or supervisors. Any person who shall swear falsely in making such affidavit shall be deemed guilty of perjury, and be punished accordingly.

SECT. 19. The town clerk of each town shall have with him, at every town meeting, blanks for making affidavits as required by section sixteen of this chapter, and shall furnish the same to any voter on request therefor. He shall record in the record of the meeting the names of all voters making such affidavits and shall keep the affidavits on file.

## ALLEGED BRIBERY.

SECT. 20. On the day of any town or ward meeting, or within three days thereafter, any five voters may make written complaint to any justice of the peace, or police judge stating under oath that to their belief the law against bribery in elections has been violated in connection with such town or ward meeting, and asking for an inquiry concerning such violation, and naming the witnesses whom they desire to have examined, and

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thereupon such justice or judge shall immediately proceed to make such inquiry; and for that purpose he may issue his subpœna, or compulsory process, if necessary, to the witnesses named, and to any others, and may examine them in the same manner as he might upon a complaint in a criminal proceeding before him; and the powers, duties and liabilities of the justice, judge, and witnesses shall be the same as in such case.

SECT. 21. Such justice or judge may allow the complainants, or either of them, or any person who may seem to be accused, to appear before him personally or by counsel, and to interrogate the witnesses; and he shall take brief notes of the testimony, and may also, if he shall deem it necessary, reduce the testimony of any witness to writing and cause such to sign the same, and shall close the inquiry within thirty days from the date of the complaint, and make a record of the proceedings, and shall transmit such record and the testimony so taken by him, at once to the solicitor of the county.

SECT. 22. If any such inquiry shall disclose any violations of sections eleven and twelve of this chapter it shall be the duty of the solicitor to cause due complaint to be made and the person offending to be apprehended and committed to jail, or bound over, with sufficient securities, to the next term of the supreme court.

SECT. 23. It shall be the duty of the selectmen to post or cause to be posted, in some conspicuous place where the town meeting is held, a copy of sections sixteen to twenty-three, inclusive, of this chapter.

ELECTION DAY A HOLIDAY

SECT. 24. The Tuesday next following the first Monday of November in the year eighteen hundred and ninety-two and in every alternate year thereafter being biennial election days shall be holidays.

5

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## Bribery at Elections

Laws 1911, Chap. 97 (as amended). Section 1. Any persons guilty of offering, giving or accepting a bribe, or aiding or abetting [illegible] or of attempting or conspiring to bribe, with intent to influence the vote of any person at any election, caucus, convention, or primary election shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred nor less than one hundred dollars and be imprisoned in the county jail not less than thirty nor more than ninety days, for each offense.

Sec. 2. Any person convicted under the provisions of the foregoing section shall thereafter be forever disqualified from holding any civil office in this state and from exercising the right of suffrage, but the supreme court may, on notice to the attorney-general, restore the privileges of an elector to any person who may have forfeited them by conviction of such offense.

Sec. 3. No witness in any proceeding under this act or in any proceeding for violation of the election laws shall be excused from giving his testimony upon the ground that such testimony would incriminate him, but no such testimony shall be used against such witness at any time or in any prosecution. And any person who voluntarily discloses the facts to the proper authorities and procures a conviction in such proceeding, shall not be prosecuted for his connection with the bribery or attempted bribery.

## Publicity of Campaign Receipts and Expenditures

Laws 1911, Chap. 891, Section 1. The term political committee under the provisions of this act shall apply to every committee or combination of three or more persons who shall act to promote the success or defeat of a political party or principle in a public election or the success or defeat of any measure voted on at a public election or shall aid or take part in the nomination, election, or defeat of any candidate

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tor public office. Every political committee shall have a treasurer who shall be a citizen of this state and whose duty it shall be to receive and expend all its money.

SECT. 2. The state committee of every political party shall file, on the third day preceding the election, with the secretary of state and also publish* in two daily newspapers in this state, an itemized statement, signed and sworn to by its chairman and treasurer, showing in detail all its receipts and expenditures, with the names of the various persons by whom they were made and the respective amounts thereof, and the names of various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said election another itemized statement, signed and sworn to by the same officers, shall be likewise filed and published, covering in like manner all receipts and expenditures subsequent to the first statement.

SECT. 3. Every other political committee shall, within fifteen days after the election, file with the secretary of state and with the town or city clerk for the town or city where the treasurer resides, an itemized statement signed and sworn to by the chairman and treasurer, of all its receipts and expenditures if the total amount exceeds one hundred dollars, showing the names of the various persons by whom they were made and the respective amounts thereof and the names of the various persons, corporations, or committees to whom they were made with the specific nature and amount of each expenditure. Where the amount does not exceed one hundred dollars, a statement to that effect, signed and sworn to by the chairman and treasurer, shall be filed with the same officials and within the same time as that specified for the itemized statement above described.

SECT. 4. Every candidate at the primary or general election for governor or representative to congress shall, on the third day preceding said primary or election, file with the secretary of state and also publish in two daily newspapers of that state, an itemized sworn statement of all his receipts and ex-

*(See Laws 1915, Chap. 369, Sect. II, which follows.)

3

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penditures, in aid of his nomination or election, showing in detail the names of the various persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said primary or election a similar sworn itemized statement shall be likewise filed and published, showing in like manner all receipts and expenditures subsequent to the first statement.

SEC. 2. Every candidate for United States senator shall, on the third day preceding the day upon which such senator is to be chosen, file with the secretary of state and also publish in two daily newspapers of this state a sworn itemized statement of all his receipts and expenditures in aid of his election, showing in detail the names of the persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said election a similar sworn itemized statement shall be likewise filed and published, showing in like manner all receipts and expenditures subsequent to the first statement.

SEC. 3. Every candidate at the primary or general election for councilor, state senator, or representative to the general court, who has expended a sum in excess of twenty-five dollars, shall within fifteen days after said primary or general election file with the secretary of state and with the town or city clerk for the town or city in which he resides an itemized sworn statement of all his receipts and expenditures in aid of his nomination, showing in detail the names of the various persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. All such statements shall be open to public inspection.

SEC. 4. Any person who violates the foregoing provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred nor less than

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YB 083



one hundred dollars and be imprisoned in the county jail not less than thirty nor more than ninety days; nor shall he be entitled to the nomination or election upon said sworn itemized statement is filed and published as hereinbefore required.

SEC. 8. No person not a candidate for nomination at the primary or election shall contribute, expend or promise to contribute or expend any money or thing of value, in aid of the nomination or defeat of any candidate at the primary or election or in aid of the success or defeat of any political party or principle, or in aid of the success or defeat of any measure to be voted on at any election, unless contributed directly to some candidate at the primary or election, or going political committee of this state.

SEC. 9. Any person violating the provisions of section 8 of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred nor less than one hundred dollars and be imprisoned in the county jail not more than ninety nor less than thirty days.

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## Corrupt Practices Law

LAWS OF 1915, CHAP. 169 (as amended). SECTION 1. The following words and phrases of this act, unless the same be inconsistent with the context, shall be construed as follows:

(a) "Election" shall mean any primary or election at which federal, state, county, or municipal officers are nominated and elected.

(b) "Candidate" shall mean any candidate for governor, United States senator, representative to congress, councilor, state senator, representative to the general court, county or municipal office.

(c) "Political committee" or "committee" shall mean any combination of two or more persons who shall aid or promote the success or defeat of any party, principle, measure, or person to be voted for at any election.

(d) "Political party" or "party" shall mean any political organization which has nominated in any manner provided by law candidates for federal or state offices.

(e) "Person" shall include a corporation or committee.

5

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## EXPENDITURES FOR WHAT PURPOSES?

SECT. 2. No political committee or candidate, for the purpose of aiding or promoting the success or defeat of any party, principle, measure, or person to be voted for at any election, shall give, pay, or contribute, or promise to give, pay, or contribute, any money or thing of value whatsoever to any person whomsoever, except as follows:

(a) For the transportation, housing and sustenance, and ordinary expenses, strictly incidental to traveling, for members of such committee and for candidates, and for speakers procured by or in behalf of the committee or candidate to speak at any rally or political meeting.

(b) For the preparation, printing, and distribution by mail of letters, circulars, and other written or printed matter, and for the posting or distribution through any advertising or bill-posting agency of posters, hand-bills, and other advertising matter.

(c) For the rental of offices occupied by such committee or candidate, and telephone or telegraph tolls, and for the compensation of secretaries, stenographers, and other office employees.

(d) For the rental of halls and other rooms for the holding of political meetings and rallies, at which political addresses are to be made or candidates are to be present.

(e) For advertisements permitted by the provisions of this act.

(f) For the payment of speakers.

(g) For the salaries of political agents employed by the committee or candidate to travel from town to town arranging for political meetings and rallies, and doing lawful acts in advancing the objects of the committee or candidate, and for the canvassing of voters.

(h) For contributions to local committees.

(i) For transporting electors, who are in the town or city whereby they are entitled to vote, to and from the polls.

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MAXIMUM EXPENDITURES.

SECT. 3. No state committee of a political party shall receive or expend in any one year for political purposes allowed by this act any moneys in excess of twenty-five thousand dollars; and not more than one-half of said sum shall be expended for the purposes enumerated in paragraphs (g) and (h) of the foregoing section.

SECT. 4. No candidate shall in any one election, other than the primary, expend, in addition to his contribution to a state committee, a sum in excess of the following amounts: Governor or United States senator, one thousand dollars; congressman, seven hundred and fifty dollars; councilor, two hundred and fifty dollars; state senator or county officer, one hundred and fifty dollars; representative to the general court, fifty dollars.

SECT. 5. For primary expenditures, all candidates for nomination shall be limited to the following sums: Candidates for governor or United States senator, one thousand dollars; candidates for congressman, five hundred dollars; candidates for councilor, two hundred and fifty dollars; candidates for state senator or county officer, one hundred dollars; candidates for representative to the general court, twenty-five dollars.

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NEWSPAPER ADVERTISING.

SECT. 6. No person shall publish or cause to be published in a newspaper or other periodical, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure, or defeat any candidate for public office, or a constitutional amendment, or any other question submitted to the voters, unless the name of the chairman or secretary, or the names of two officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear in the nature of a signature. Such matter inserted in reading column shall be marked at the beginning thereof in black faced Roman capitals: "Advertisement. Paid for by (naming the person or committee paying for the same). Price (truly stating the cost of said

advertisement) $......" Any person who violates, or in any way knowingly aids or abets the violation of, any provisions of this section, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days.

USE OF OTHER PRINTED MATTER.

SECT. 7. (a) No person or committee shall mail, give away, or distribute any letter, circular, or other written or printed matter not contained in a newspaper or other publication printed and published within this state, which is designed or tends to aid, injure, or defeat any party, principle, measure or person to be voted for at any election, or wherein the merits of any such party, principle, measure, or person shall be discussed, unless the same shall be signed by such person or committee, or shall bear printed or stamped thereon a true statement showing at the expense of what person or persons or committee the same is mailed, given away or distributed.

(b) Any person who shall violate any provision of this section shall be punished by a fine of not more than fifty dollars.

MISUSE OF BALLOTS.

SECT. 8. No person at any election shall apply for a ballot in the name of another person, whether such other person be living or dead, nor in the name of a fictitious person, nor shall a person having voted once at any election apply at the same election for a ballot in his own name.

SOLICITATION OF CANDIDATES.

SECT. 9. No person shall solicit or invite any contribution, subscription, or payment from any person who is a candidate for election to, or, prior to the expiration of his term of office, from any person who has been elected to, the office of governor, United States senator, representative to congress, councilor, state senator, or representative to the legislature, or from any political committee, for himself, or for any fraternal organization, labor organization, lodge, secret society, club, or similar organization, nor shall any person solicit or invite any such candidate or elected person or political committee to buy

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tickets to any entertainment or ball, or for the aid of any such organization, or to pay for space or advertising in any book, program, or publication, and no candidate or committee shall make any such contribution, subscription, payment, or purchase. Any candidate or committee or any person violating any provision of this section shall be fined not exceeding one hundred dollars.

ADVERTISING RATES.

SECT. 10. No candidate or committee shall pay to any daily newspaper or class publication any rate for political advertisement in excess of what is regularly charged by such newspaper or publication for commercial advertising occupying the same space and position and running the same length of time.

PUBLICITY OF EXPENDITURES.

SECT. 11. Instead of the publication of campaign expenditures provided by chapter 101, Laws of 1911, in the case of candidates for governor, United States senator, representatives to congress, and by state committees, a candidate may deliver to the secretary of state a copy of the statement of expenditures provided for by said chapter for each candidate opposing the candidate so filing, and a state committee may deliver to the secretary of state a copy of such statement for the state committee of each other political party, which copies shall be delivered by the secretary of state, upon request, to the candidates and committees for whom they are made.

COMPLAINTS AND PROSECUTIONS.

SECT. 12. (a) Any person voted for at an election for any office, or any reputable voter, may make complaint in writing to the attorney-general of any violation of any of the provisions of this act. All complaints so made shall be treated as confidential communications. Upon the receipt of any such complaint, if it shall appear that the act complained of, if committed, was of a serious and deliberate nature, it shall be the duty of the attorney-general, through a county solicitor or some other representative, to investigate the complaint, and if sufficient cause for a prosecution is found, to commence forth-

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with a prosecution and prosecute the same to final judgment. If, in the opinion of any person making complaint as aforesaid, the family, business, or political connection of the county solicitor of the county in which the offense complained of was committed are such as to make it unlikely that he will act diligently and earnestly in any prosecution therefor, the person complaining may state such facts to the attorney-general, and his communication shall be held confidential.

(b) If the attorney-general believes that the county solicitor in any county will be hampered by any existing facts or circumstances, and in any wise prevented from vigorously prosecuting any respondent complained against for violation of any provision of this law, or that the service of more than one attorney in any prosecution would be in the interest of the state, he shall have authority to employ and assign to conduct, or assist in conducting, such prosecution a county solicitor from some other county, or to employ and assign some attorney not a county solicitor. Such county solicitor or other attorney shall be allowed reasonable compensation, to be approved by the governor and council and paid from the treasury of the state out of any money not otherwise appropriated.

COMMITTEE TREASURERS.

SEC. 13. Each committee shall have a treasurer who shall be a citizen of this state, who shall receive and pay out all money handled by the committee. For any failure to make any statement of receipts and expenditures of the committee as required by law, the treasurer shall be guilty. If there is no treasurer, or if he fails to make report, it shall be the duty of each member of said committee who receives or pays out any money on behalf of said committee to make said report or cause the same to be made, and for failure on his part to file such report he shall be guilty. For any unlawful expenditure or act of a committee, any member of said committee who made or permitted the same, in whole or in part, or who consented thereto, or who aided, abbetted, or conspired to make or perform the same, shall be guilty thereof.

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DISTRIBUTION OF THIS ACT.

SECT. 14. The secretary of state shall give or send by mail a copy of this act to each person who shall file a declaration of candidacy before any primary, or on behalf of whom primary petitions or a primary certificate shall be filed; but any failure so to do shall be deemed neglect of duty, and not an offense rendering said official liable to the penal provisions of this act.

EXAMINATION OF RETURNS.

SECT. 15. It shall be the duty of the attorney-general to examine the returns of election expenses which are made to the secretary of state by candidates and committees, and to compel such returns to be made in form and substance to comply with the law.

SECT. 16. Any person who shall violate any of the provisions of this act shall be deemed guilty of a corrupt practice, and, except as some other penalty is elsewhere herein provided, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than six months or not more than one year, or both.

SECT. 17. Any expenses incurred by the secretary of state or the attorney general in carrying out the provisions of this act shall be paid from the treasury of the state.

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## Political Advertising

LAW. 1911, CHAP. 106. SECTION 1. No person shall publish or cause to be published in a newspaper or other periodical, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate for public office, or a constitutional amendment or any other question submitted to the voters, unless the name of the chirman or secretary, or the names of two officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear in the nature of a signature. Such matter inserted in reading columns

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shall be preceded or followed by the word Advertisement in a separate line, in type set smaller than that of the body type of the newspaper or other periodical.

SECT. 2. Any person who violates, or in any way knowingly aids or abets the violation of any provisions of this act, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days.

## Campaign Contributions by Corporations

LAWS 1911, CHAP. 109, SECTION 1. No corporation, incorporated under the laws of or doing business in this state and no officer, director, agent or employee of and acting in behalf of such corporation shall pay or contribute or authorize or direct to be paid or contributed any sum of money or any check, draft, note or other article of value, to any political party, committee or to any individual or corporation for the purpose or with the intention of having such money or any part thereof or such check, draft, note or other article of value or any part thereof expended or used for the purpose of aiding or promoting, or of preventing or opposing the nomination or election of any person to public office established by or under the authority of the constitution or laws of this state or of the United States, or expended or used for the purpose of promoting or antagonizing the interests of any political party.

SECT. 2. No person shall solicit or receive the payment of any sum of money or the delivery of any check, draft, note or other article of value for the purposes specified in the preceding paragraph, from any corporation incorporated under the laws of or doing business in this state or from any officer, director, agent, or employee of such corporation and on its behalf.

SECT. 3. Any corporation violating any of the provisions of this act shall be punished by a fine of not exceeding three thousand dollars for each offense, and any individual violating any of the provisions of this act shall be punished by a fine of not exceeding one thousand dollars or by imprisonment not exceeding six months.

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# Warning Town Meetings

P. S., CHAP. 41, SECTION 1. A meeting of every town shall be holden annually on the second Tuesday of March for the choice of town officers and the transaction of all other town business. A town meeting may be warned by the selectmen, when, in their opinion, there shall be occasion therefor.

SECT. 2. The warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting. The subject-matter of all business to be there acted upon shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated.

SECT. 3. The selectmen, upon the written application of ten or more voters, or one sixth of the voters in town, shall insert in their warrant for the biennial, annual, or any other meeting, any subject specified in such application, or shall warn a meeting therefor, if requested in such application.

POSTING WARRANTS.

SECT. 4. The selectmen may address their warrant to the inhabitants of the town qualified to vote in town affairs, in which case they shall post an attested copy of such warrant at the place of meeting, and a like copy at one other public place in the town, fourteen days before the day of meeting.

SECT. 5. Warrants for town meetings may be directed to a constable of the town, requiring him to notify the inhabitants; and such constable shall post an attested copy of such warrant, as provided in the preceding section.

SECT. 6. Any town may, by vote, prescribe a different method of warning meetings; and the meetings warned in pursuance of such vote shall be legal and valid.

SECT. 7. The selectmen or the constable serving any warrant shall return the same, at the time and place of meeting, with a certificate of the service thereof, to the town clerk; or, in his absence, to one of the supervisors.

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SECT. 8. In case of the death or removal of any of the selectmen of a town, the major part of those who remain in office shall have power to warn meetings.

SECT. 9. If the selectmen unreasonably neglect or refuse to warn a meeting, or to insert any article in their warrant, a justice of the peace, upon application in writing of ten or more voters, or of one-sixth part of the voters of such town, may issue a warrant for such meeting.

SECT. 10. If the biennial or annual meeting in any town shall not have been held, or if there has never been any legal meeting of the town, or if, by reason of death, removal from the town, disability, or resignation of the board of selectmen, no member of the board remains in office, a justice of the peace, on application of ten voters, or of one-sixth part of the voters of the town, may issue a warrant for such meeting.

SECT. 11. The warrant of a justice of the peace for a town meeting shall be under his hand, directed to a constable of the town, if any there be, otherwise to one of the voters applying; shall specify the time, place, and object of such meeting, and shall be served and returned in the same manner as warrants issued by selectmen.

SECT. 12. If selectmen neglect to issue a warrant for the holding of any meeting for the choice of state, county, or town officers, electors of president and vice-president of the United States, and representatives in congress, or neglect to cause copies of such warrant, if not directed to a constable, to be duly posted, or notice of such meeting to be given, agreeably to any vote of the town, they shall for each offense be fined fifty dollars, for the use of the town.

## Government of Town Meetings

P. S., CHAP. 42 (as amended), SECTION 1. At the biennial election to be holden in November, eighteen hundred and ninety-two, and at every biennial election thereafter, a moderator shall be chosen by ballot, by a plurality of votes, who shall hold office from the close of the meeting at which he is chosen until the close of the meeting at the next succeeding biennial election.

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SECT. 2. In case of vacancy in the office, a moderator shall be appointed by the board of supervisors of check-lists of said town or ward where such board exists or by the selectmen of said town or ward where there is no board of supervisors of check-lists.

SECT. 3. If the moderator is absent from any meeting or be unable to perform his duties a moderator *pro tempore* shall be appointed as provided in section 2.

SECT. 4. Whenever there is a vacancy in the office, or the moderator is absent from a meeting, or is unable to perform his duties, the chairman of the board of supervisors, or, in his absence, one of the other members of the board in the order of their election, or, if no supervisor is present, the town clerk shall preside until a moderator is chosen and shall have the powers and perform the duties of moderator.

SECT. 5. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding, but such rules may be altered by the town.

SECT. 6. When any vote, other than by ballot, declared by the moderator or other officer presiding, shall immediately and before any other business is begun, be questioned by seven or more of the voters present, the moderator or other officer presiding shall make the vote certain by a poll of the voters.

SECT. 7. If any moderator or other officer presiding shall willfully neglect or refuse to make any vote certain by a poll of the voters, when required as aforesaid, or shall willfully violate or neglect to enforce any rule of proceeding which shall have been established by vote of the town or otherwise, he shall for each offense, be fined not exceeding five hundred dollars, or be imprisoned not exceeding six months.

## Town Officers

P. S., CHAP. 43, SECTION 1. (as amended by Laws, 1921, chap. 181) Every town, at the annual meeting, shall choose, by ballot and by major vote, a town clerk, who shall record

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all votes passed by the town while he remains in office, and discharge all the duties of the office according to law. Every person elected or appointed to the office of town clerk or deputy town clerk shall, within six days after his election or appointment, and before entering upon the duties of his office, give bond, with sufficient sureties to the acceptance of the town or the selectmen, for the faithful performance of his official duties, in form like that of county officers, and in default thereof the office shall be vacant so that said section as amended shall read: SECTION 1. Every town, at the annual meeting, shall choose, by ballot and by major vote, a town clerk, who shall record all votes passed by the town while he remains in office, and discharge all the duties of the office according to law. Every person elected or appointed to the office of town clerk or deputy town clerk shall within six days after his election or appointment, and before entering upon the duties of his office, give bond, with sufficient sureties to the acceptance of the town or the selectmen, for the faithful performance of his official duties, in form like that of county officers, and in default thereof the office shall be vacant.

Nothing in this act shall be construed as repealing chapter 129 of the Laws of 1919, which provides that town officers shall be elected by plurality vote in towns which have adopted the Australian ballot system.

LAWS 1921, CHAP. 17. SECTION 1. Every town, at the annual meeting in 1921, shall choose, by ballot and by major vote, three selectmen, one to hold office for three years, one for two years and one for one year, and thereafter at every annual meeting one selectman shall be so chosen to hold office for three years. The selectmen shall manage the prudential affairs of the town and perform the duties by law prescribed. A majority of the selectmen shall be competent to act in all cases. *Provided, however*, that such elections shall be by plurality vote in towns which under existing statutes elect such officers in that manner.

SEC. 2. Vacancies in the board shall be filled by the remaining selectmen. Such selectmen thus chosen shall hold office until the next annual meeting of the town.

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P. S., CHAP. 43, SECT. 6. Any town may choose assessors, by ballot and by major vote, who shall constitute, with the selectmen, a joint board for the assessment of taxes; and all questions arising at such board shall be decided by major vote of the members thereof.

SECT. 17. Every town, at the annual meeting, shall choose a treasurer by ballot and by major vote.

LAWS 1919, CHAP. 129, SECTION 1. In towns which have adopted the Australian ballot system for the election of town officers, a plurality vote shall elect. This act shall be operative only in such towns as vote to adopt its provisions after due notice of such contemplated action having been given on the town warrant.

## City and Ward Officers

P. S., CHAP. 46, SECT. 4. Each ward into which a city may be divided by law, or in pursuance of law, shall be a town for the purpose of the election of governor, councilor, senator, representative to the general court, all county officers, representative in congress, and electors of president and vice-president of the United States, and in all matters relating to jurors.

SECT. 5. The qualifications of voters in such wards shall be the same as in towns, and check-lists of voters shall be prepared and used in all elections therein, as in towns.

SECT. 9. In all elections of city and ward officers, the person having the highest number of votes for any office shall be elected; and if a number of persons greater than the number to be chosen shall severally receive the highest and an equal number of votes, so that no choice is made, the balloting shall be continued till the requisite number of persons shall be chosen; but no balloting shall be begun between sunset and sunrise.

SECT. 10. The ward clerk shall record the votes and proceedings of all ward meetings, shall enter upon the record the names of all persons voted for, and the number of votes

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given for each, in words, at length; and shall, within seven days after any meeting of the ward, deliver to the clerk of the city in which the ward is situated a certified copy of the record of the meeting, which copy shall be preserved as a part of the records of the city. He shall receive for such copy the sum of one dollar.

## Election of Mayor

P. S., Chap. 47, Section 1. The qualified voters in each ward at the meeting for the choice of city and ward officers, shall give in to the moderator their votes for a mayor of the city, which shall be received, sorted, counted, and declared, and a record thereof made in the same manner as votes for governor and a copy of the record, certified by the moderator, a majority of the selectmen, and the ward clerk, shall be delivered by the ward clerk to the city clerk within twenty-four hours after the meeting.

## Election of Aldermen

P. S., Chap. 48, Section 1. There shall be chosen in each ward, at the regular meeting thereof, by ballot and by plurality of votes, an alderman and common councilmen as shall be authorized by law or ordinance. If the choice of aldermen, common councilmen, and ward officers cannot be conveniently completed on that day, the meeting may be adjourned from day to day to complete the choice.

Sect. 2. The clerk shall, within twenty-four hours after such choice, deliver to each person chosen alderman or common councilman a certified copy of the record of his election, signed by himself, the moderator, and a majority of the selectmen.

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## STATE OF NEW HAMPSHIRE

Joint Resolution relating to the calling of the constitutional convention.

Resolved by the Senate and House of Representatives in General Court convened:

That the officers of the towns and cities of this state who are by law required to warn meetings for the election of state senators shall expressly insert in the warrants calling a meeting for the next election of senators an article which shall provide for taking the sense of the qualified voters of the state on the subject of a revision of the constitution during the year 1924; and the secretary of state shall so prepare the ballots which shall be used at said election that an opportunity shall be given for an expression of the sense of the voters upon the question.

Approved May 4, 1923.

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# INDEX


Aldermen, election of ..... 76
Advertising, political ..... 67
Ballot inspection ..... 43-44
inspectors ..... 32
law commission ..... 37
at biennial elections ..... 28-32, 41-44
at primary ..... 16-17
counting of ..... 36-37
detective ..... 36
preservation of ..... 42-44
Booths, voting ..... 33
Bribery at elections ..... 60
Canvass of votes ..... 29
Caucuses ..... 24-25
Certificates of nomination ..... 25
Challenging of voter ..... 57-58
Check-list ..... 5-11
City nominations ..... 27
officers ..... 73-76
Clerks, city and town ..... 43, 46, 52, 55
Congressman, declaration of candidacy ..... 13-14
election of ..... 50-51
primary petitions for ..... 15-16
Corporations, contributions by ..... 70
Corrupt practices at elections ..... 63-69
Councilors, declaration of candidacy ..... 13-14
election of ..... 48-49
primary petitions for ..... 15-16
County officers, declaration of candidacy ..... 13-14
election of ..... 51-52
primary petitions for ..... 15-16
Declinations of candidacy ..... 13-14
Direct primary law ..... 11-24
Elections, biennial ..... 24-38, 41-44
Expenditures, political ..... 60-63, 64-66

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Fees of candidates ..... 13-14
election recount ..... 44
primary recount ..... 21
Governor, declaration of candidacy ..... 13
election of ..... 48-49
primary petitions for ..... 15-16
Mayor, election of ..... 76
Moderator, declaration of candidacy ..... 13-14
Nominations by petition ..... 15-16, 23
Party conventions ..... 23
delegates to ..... 11
enrollment ..... 17-19
Political parties recognized ..... 24
Polls, opening and closing ..... 34
Precincts, voting ..... 30-31
President, electors of ..... 47-48
Presidential primary ..... 41-47
Publicity of political expenditures ..... 60-63
Purity of elections ..... 54-59
Recount, election ..... 43-44
primary ..... 21-24
Representatives in Congress ..... 50-51
to General Court ..... 53
declarations for ..... 13-14
petitions for ..... 15-16
Senator, state, declaration of candidacy ..... 13-14
election of ..... 48-49
primary petitions for ..... 15
United States ..... 49
Supervisors ..... 5-9
declaration of candidacy ..... 13-14
primary petitions for ..... 15-16
Town meetings ..... 71-72
officers ..... 73-74
Vacancies, how filled ..... 22-46
Voters, qualifications of ..... 3-5
Voting, manner of ..... 34-35, 41-42

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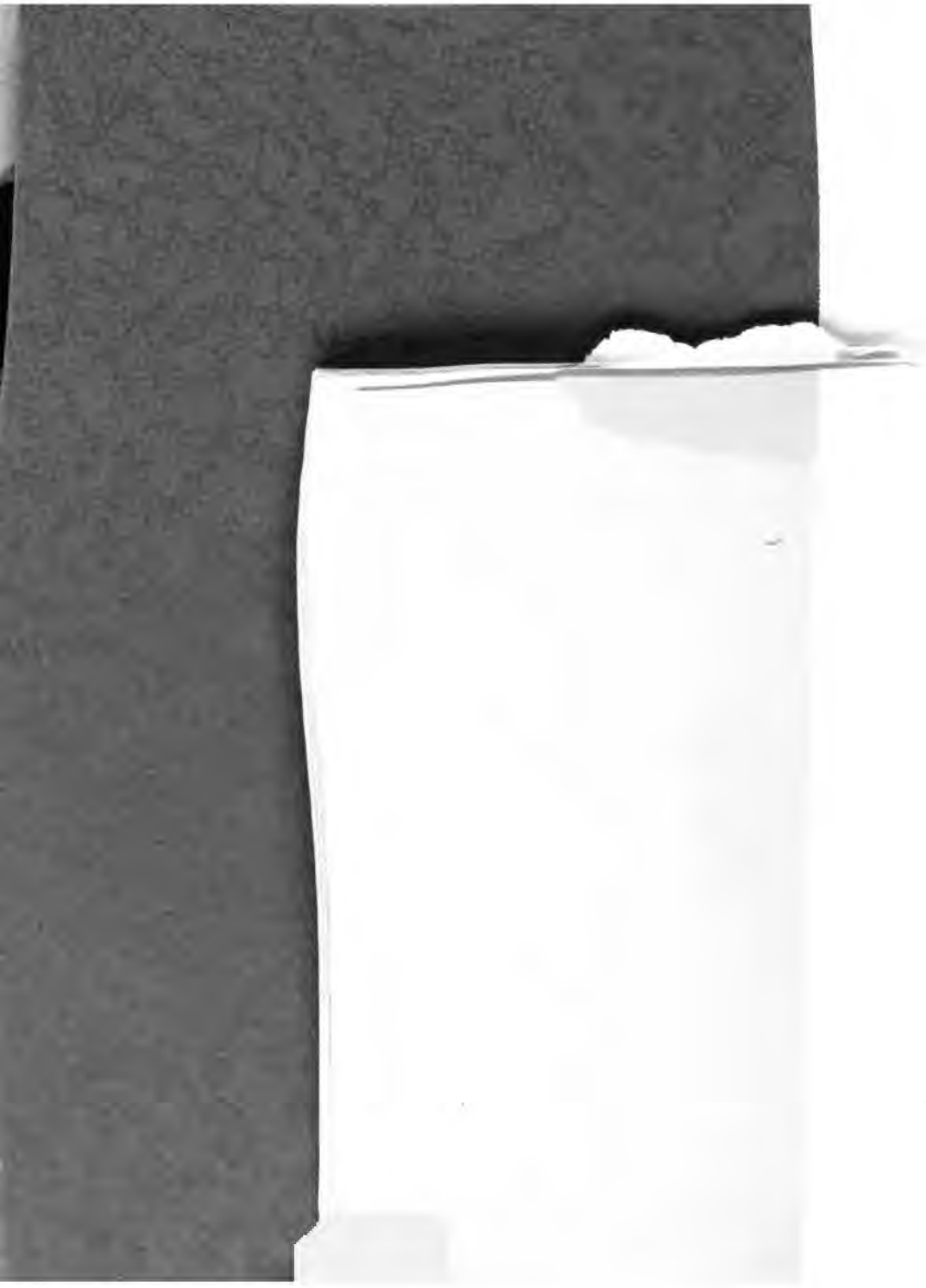

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